Legislative Assembly

Tuesday, 27 September 1994

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

MEMBREY, ROSLYNN - RESIGNATION, SERVICES ACKNOWLEDGMENT

THE SPEAKER (Mr Clarko): Members, in the Speaker's Gallery today is Roslynn Membrey, the Parliamentary Librarian. Many of you will know that she has served with this Parliament for 13 years since April 1981. She leaves us this Friday, 30 September, to take up the position of Director of Reader and Current Awareness Services at the Commonwealth Parliament in Canberra. I am sure you will join with me in acknowledging the excellent service she has given to this Parliament and in wishing her well in her new career.

[Applause.]

PETITION - YORK-BEVERLEY TURF CLUB

MR TRENORDEN (Avon) [2.05 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned do urgently request that racing resumes at York-Beverley Turf Club as soon as possible.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 68 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 119.]

BILLS (2) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Metropolitan Region Scheme (Fremantle) Bill
2. Acts Amendment (Coal Mining Industry) Bill

MINISTERIAL STATEMENT - ATTORNEY GENERAL

Equal Opportunity Act, Review by Steering Committee

MRS EDWARDES (Kingsley - Attorney General) [2.08 pm]: In October 1993 I established a steering committee to examine the processes of investigation and conciliation which underscore the operation of the Equal Opportunity Act in Western Australia. The purpose of the review was to ensure that the best possible practices were being utilised in the administration and implementation of the provisions of the Act. The steering committee comprised Mr David Grant, the Director General of the Ministry of Justice; Mr Brian Easton, the Executive Director, Office of the Attorney General; and Ms June Williams, the Commissioner for Equal Opportunity.

The terms of reference of the review were to ascertain, first, issues of concern to complainants and respondents that relate to the processes and procedures of investigation and conciliation; and second, the informal processes and procedures of conduct which pertain to investigation and conciliation. I draw members' attention to some of the findings of the report: Almost three-quarters of complainants and respondents who have been involved with the complaint handling processes consider the way in which their complaint or the complaint with which they were involved was handled by the Equal

Opportunity Commission was reasonable. Seventy-nine per cent of complainants and 62 per cent of respondents stated that they had no apprehension of bias in the manner in which the conciliation officers handled the complaints. Despite such positive results, the report identifies some of the ways in which the processes of investigation and conciliation may be improved.

One of the major concerns raised was the length of time taken to resolve complaints of unlawful discrimination. The steering committee has outlined a range of initiatives which will minimise delays in the complaint handling processes. The committee has made a number of recommendations which will address concerns about administrative or procedural fairness. These include the formulation of a code of ethics, whereby parameters are set for the conduct of individuals within the commission.

To ensure that the community is properly informed of the operations of the Act the committee recommended that the commissioner seek the participation of peak organisations in the development of pamphlets and guidelines about the processes of investigation and conciliation. In addition, the committee recommends the participation and involvement of community and advocacy groups in the dissemination of information about the Act.

The object of the Equal Opportunity Act is to promote equality of opportunity in Western Australia, through the provision of remedies for discrimination. Clearly, many factors determine the effectiveness of any Act in achieving its objectives. The implementation of these and other recommendations will further develop processes and procedures which meet the needs and requirements of respondents and complainants, as well as the wider community, in an effective and timely manner.

[See paper No 348.]

MINISTERIAL STATEMENT - MINISTER FOR MULTICULTURAL AND ETHNIC AFFAIRS

Travel, Incoming Passenger Card

MR KIERATH (Riverton - Minister for Multicultural and Ethnic Affairs) [2.12 pm]: As Minister for Multicultural and Ethnic Affairs I wish to express my concerns over the new incoming passenger cards which have been introduced by the Federal Government. They are an insult to visitors, migrants and non-Australian citizens resident in Australia.

This new "revised" incoming passenger card was introduced on 1 September 1994. The form asks questions about diseases the person may have, whether they are of unsound mind and whether they owe the Australian Government money. The previous form did not ask any of these questions.

I have written to the federal Minister for Immigration and Ethnic Affairs to seek an explanation as to why the changes are needed. The new incoming passenger card requires non-Australian citizens to declare if they have tuberculosis, have ever been found guilty of a crime or been acquitted because they were of unsound mind, and if they owe $1 000 or more to the Australian Government.

In regard to the $1 000 or more, resident non-Australian citizens returning from overseas would have to declare a pending provisional tax obligation. With respect to the question relating to criminal convictions and sentences totalling more than 12 months, I wonder what would happen in the event of the South African President, Mr Mandela, visiting this country. It also begs the question of what would happen to Mr Mandela when he answered yes to that question - would he be held and interrogated at the airport?

Compare the Australian card with that of Singapore which in contrast states "Welcome to Singapore" and does not ask outrageous and offensive questions. I will table samples of the cards I have mentioned.

Far from being welcoming, this new Australian card is a massive turn-off - it is bureaucracy gone made. It is an embarrassment to friends, families and all fair minded Australians that non-Australian citizens, visiting, immigrating or returning home from

overseas, are asked these questions. Where will the questioning stop in regard to disease - tuberculosis now, what next?

Points of Order

Mr LEAHY: I thought this short ministerial statement would be on a point under the Minister's responsibility. I cannot see that immigration is under the Minister's responsibility.

The SPEAKER: I understood that it was. I understood that he as Minister for Multicultural and Ethnic Affairs handles immigration. Is that correct?

Mr KIERATH: Correct.

Several members interjected.

The SPEAKER: Order!

Mr BROWN: On the same point of order, Mr Speaker, I put it to you that the multicultural and ethnic affairs responsibilities of the Minister relate to this State. They do not relate to the responsibilities of the Federal Parliament when dealing with immigration policy. I ask you, Mr Speaker, to make a ruling as to whether this Parliament is to deal with matters of immigration policy which are not the province of this Parliament but of the Federal Parliament. If these matters are within the province of the Federal Parliament, and appropriately so, and this Parliament has no legislation relating to them or responsibility for them, how can the Minister purport to make a ministerial statement on matters which fall within the exclusive province of the Federal Parliament?

The SPEAKER: It is not stated expressly what the ministerial statement shall cover. I agree there is some logic in the argument you make about the relationship. Since the Minister is the Minister who handles immigration matters -

Several members interjected.

The SPEAKER: Order! And since he has written a letter to the appropriate federal Minister -

Several members interjected.

The SPEAKER: Order! Those people who have been here for some time will know that when Ministers have made ministerial statements, as far as I am aware there has been no attempt to curtail what they have said.

Ministerial Statement Resumed

Mr KIERATH: That unfortunately shows the level of interest the Opposition has in regard to this matter.

What if a person answered yes to the tuberculosis question - would he be despatched to quarantine?

Several members interjected.

The SPEAKER: Order! The member for Balcatta.

Mr KIERATH: Opposition members are rather sensitive about these matters, are they not?

The Federal Government says we want to be part of Asia and the global economy, yet this is one of the most isolationist acts since the White Australia policy.

This State in particular is acutely aware of the tourist trade which comes from the South East Asian region, but this sort of stupidity has the potential to insult visitors. It is not just the incoming passenger card which is offensive; a number of South East Asian countries have been highly critical of Australia's visa system and a survey published at the weekend has our tourism industry up in arms as it revealed that many visitors would not return because of our stringent requirements. Visas and the new incoming passenger card indicate to me that the Federal Government is doing its best to discourage tourism

and offend visitors. The Western Australian Government will be going all out to achieve a more welcoming, compassionate and equitable, and less bureaucratic, introduction for visitors and others than that which is now being dictated by the Commonwealth.

Mr Brown interjected.

The SPEAKER: Order! The member for Morley.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Morley and the member for Balcatta.

[Questions without notice taken.]

MOTION - TIME MANAGEMENT SESSIONAL ORDER

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.47 pm]: In accordance with the sessional order on time management, I move -

> That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 29 September 1994 -
>
> Acts Amendment (Health Services Integration) Bill - all remaining stages.
>
> Fish Resources Management Bill and cognate legislation - all remaining stages.
>
> Local Government (Superannuation) Legislation Amendment Bill - all remaining stages.
>
> East Perth Cemeteries Repeal Bill - all remaining stages.
>
> Financial Institutions Duty Amendment Bill - all remaining stages.
>
> Fire Brigades Amendment Bill - all remaining stages.

With the exception of the Fish Resources Management Bill, which is a major piece of legislation which has already been debated at length and is near completion, and perhaps to a lesser extent the health services integration legislation, which may raise some contentious issues, the Bills are minor in matter and should comfortably be dealt with by the House in its allotted sitting time. The sessional order was used in quite a modest fashion last week. More Bills will be subject to it this week, but it is reasonable to expect that we will progress in an orderly way through that legislation before 6.00 pm on Thursday.

MR RIPPER (Belmont) [2.50 pm]: Here we go again! This is the Government's weekly guillotine, as we have seen foreshadowed in previous weeks. The Leader of the House has referred to six Bills under this sessional order but of course it will involve more than that number of Bills. I suggest that it will involve 10 Bills because the Opposition has agreed to a cognate debate on the Fish Resources Management Bill with four others. That is an example of the way in which the Government treats the Opposition. We agreed to a cognate debate on the five Bills in order to improve the efficient handling of legislation by this House but now the Government seeks to make those five Bills subject to the guillotine also. That is the Government's response to the Opposition's preparedness to negotiate. The remarks made by the Leader of the House contain one point of truth -

Mr C.J. Barnett: Only one?

Mr RIPPER: One! That is better than his average speech. On this occasion he is right when he says that the House should be able to deal with this legislation this week. Again, it is ironic that he seeks to move the guillotine when he could achieve what will be the result of the guillotine, by way of discussion with the Opposition. I say that, given my assumption that the circumstances will remain as they stand at the moment. However, Parliaments are unpredictable places and if some major news were to break concerning the activities of, say, a member of the Government - perhaps the Attorney General - there may be a need for the Parliament to embark on some other unscheduled

debate, and that would be in pursuit of Parliament's important role in ensuring accountability. However, the Government does not want to allow for that sort of event. The Government's idea is that if the Opposition wants to hold the Government accountable, it will have to give up debating time on the legislation because, come what may, the Government will get the legislation through by the end of the week. As I have said before, ultimately there will be a restriction on the opportunity for the Opposition to speak as a result of the guillotine, and no doubt we will see an increasing tendency for government Ministers and members to take up more time of the Parliament, thereby restricting the Opposition's opportunities.

With the use of the guillotine the Government can be assured that by the end of the week what it wants to ram through, it will ram through. This is the reverse of the parliamentary reform that we should have. The Royal Commission into Commercial Activities of Government and Other Matters said that changes to Parliament are a key part of necessary improvements to our systems of accountability. We should be reforming this place so that we can more effectively hold the Executive accountable. The guillotine runs completely counter to that spirit. We should be debating some of the reforms that you, Mr Speaker, advocated when in opposition. I think you advocated the extension of question time, and you were not keen on the use of Dorothy Dix questions.

The SPEAKER: Nobody seemed to agree with me at the time.

Mr C.J. Barnett: I agreed.

Mr RIPPER: I agree with you strongly.

The SPEAKER: But members did not then.

Mr RIPPER: I would like to see the result of that agreement now.

We need to reform our systems in this place. The guillotine motion runs completely against the direction that the reform should take. Some of the reforms that should be implemented include extending question time and restricting government abuse of question time through the use of prepared questions from backbenchers; and we should return to the four and one half hours' allocation for private members' business. That allocation has applied historically for many years, but it was cut by this Government.

The Government should accept that it should not have an automatic majority on key parliamentary committees. Committees such as the Public Accounts and Expenditure Review Committee should have equal numbers of government and non-government members. That would be a start on the sort of parliamentary reforms that this Government should be implementing, but this Government does not appear to be interested in that sort of parliamentary reform. It prefers to fob that matter off to a select committee which we will debate later in the week, thus preventing any possibility of reform for at least another year or so. In the meantime, the Government wants to force legislation through this place by the guillotine week after week when it could, on many occasions, negotiate with the Opposition and achieve the same result.

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [2.55 pm]: As this sessional order motion is brought forward each week, the Opposition finds that it has no option other than to strongly oppose the motion. Last week the Opposition agreed to a cognate debate on the fishery Bills which brought together five Bills, and that was a vote of confidence in the process of cooperation. Despite that, again the Government seeks to use a heavy hand in this place.

Bills will be introduced about which we will be very concerned, apart from those to be included in the guillotine motion this week. For example, the Premier speaking on Radio 6PR today foreshadowed legislation to take entitlements from members of Parliament when they are convicted of crimes committed while in office. That sort of legislation will need thorough debate and close examination. We would not want Bills such as that and others rushed through as a result of this guillotine process.

Mr C.J. Barnett: That is fair comment. Many members on this side want to debate that Bill.

Mrs HALLAHAN: As the matter was brought up on radio by the Premier today, we want to consider extending such legislation to cover criminal and improper acts committed prior to entering Parliament which may influence Ministers subsequently. In this regard I refer to the activities of the Attorney General in Wanneroo Inc matters and her subsequent conflicts of interest. I refer also to the member for Wanneroo, and whether any illegal activities financed his campaign to enter Parliament. Therefore, it is very important that we recognise that the guillotine process has very serious down sides for democratic debate. It is our intention to debate such a piece of legislation fully. We will question how the actions of the Attorney General relating to her unlawful direction of the Director of Public Prosecutions may be dealt with in such legislation. I refer also to matters such as the improper, if not unlawful, direction of the construction industry long service leave board by the Minister for Labour Relations which resulted in the board voting by a majority of only 3:2 not to prosecute the Minister. How should that incident be treated? Many matters should be included in such legislation, and all members would agree such legislation will need full debate.

The use of the guillotine is an important question. Robert Maynard Hutchins stated that the death of democracy is not likely to be assassination from ambush; it will be a slow extinction from apathy, indifference and undernourishment. We believe that apathy, indifference and undernourishment will result from a lack of open debate in this Parliament. Parliament is the place where laws are made. We expect people to live by those laws and to respect them. People are entitled to expect that the laws that are set down are fully debated on their behalf. That remains our position. Should we not include in such legislation penalties for politicians who, having been advised by bodies such as the royal commission that improvements are necessary to the workings of this place to ensure true accountability, ignore the advice either wilfully or neglectfully? Such legislation could have great breadth, as do a number of other Bills.

I understand that the Premier learned confidentially about the chaotic financial position of Rothwells but he chose to tell no-one about that fact, and that cost this State many millions of dollars. Will the actions of the Premier in that regard be brought into the terms of such legislation? As members will appreciate, the Opposition will fully debate the legislation and will want to see that happen, despite the fact that this week's Bills may not be terribly contentious.

MR BLOFFWITCH (Geraldton) [2.59 pm]: Last week we saw an example of what can be achieved in this place. In the past week I have looked at the system within the Federal Parliament. Having had a system similar to ours, 18 months ago it decided to go down a path where non-contentious Bills are dealt with by a legislation committee but not on the floor of the House. The contentious Bills are still debated in the main Chamber but under time management. All Australians would agree that the passage of legislation should not be frustrated by rhetoric and time wasting. Valuable debate is always wanted. The points made by the opposition members today about the aspects on which they want to concentrate will not be stifled by this motion, if it is passed. The Opposition will make the decision about which legislation requires priority. As a Government which wants to get its platform into the public arena, in a balanced way, as has been shown by the Leader of the House, we will introduce into this Parliament a time management program that is badly needed. I certainly support the motion.

Question put and a division taken with the following result -

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Ayes (26)

Mr Ainsworth	Mr House	Mr Shave
Mr C.J. Barnett	Mr Johnson	Mr Strickland
Mr Board	Mr Lewis	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Mr Court	Mr Minson	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	

Noes (18)

Mr M. Barnett	Dr Gallop	Mr McGinty
Mr Bridge	Mr Graham	Mr Riebeling
Mr Brown	Mrs Hallahan	Mr Ripper
Mr Catania	Mrs Henderson	Mr Thomas
Dr Constable	Mr Kobelke	Dr Watson
Dr Edwards	Mr Marlborough	Mr Leahy *(Teller)*

Question thus passed.

ELECTRICITY CORPORATION BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Energy) [3.04 pm]: I move -

That the Bill be now read a second time.

The coalition policy document "Energy - Western Australia", which was released prior to the 1993 State election, outlined two important principles to guide the development of a more competitive and accountable energy industry in Western Australia: Firstly, the introduction of head to head price competition between gas and electricity through the splitting of the State Energy Commission of Western Australia into separate gas and electricity utilities; and, secondly, the transference of the policy and regulatory functions of the State Energy Commission of Western Australia to an independent government agency.

The Energy Board of Review report, received by this Government in April 1993, supported this view as being essential to the development of a competitive energy market. Following a Cabinet decision in September 1993, detailed work on implementing the Government's policy commenced, with the outcome being the legislation now before Parliament. The process was overseen by the energy implementation group under the chairmanship of Mr Ian Baker. At present the gas and electricity industries in Western Australia are dominated by SECWA. It has a monopoly over the transmission and distribution of gas, and over the generation, transmission and distribution of electricity. At the same time it is an advisory body to government on energy matters and is the statutory licensor for potential entrants to the industry by way of electricity generation or gas distribution. This legislation will enable a new energy environment in Western Australia by introducing competition through the separation of the electricity and gas components of SECWA, and the transference of SECWA's energy advisory and regulatory roles to a new and independent agency.

The proposed legislative package consists of four Bills and will create a corporatised entity to carry out the electricity functions of SECWA; a corporatised entity to carry out the gas functions of SECWA; and a government office to assume the policy role and the technical and safety regulatory functions of SECWA. The legislation will also vest in the two energy corporations certain powers essential to their proper functioning, which were previously held by the State Energy Commission under the State Energy Commission Act and vest in two officials, the Coordinator of Energy and the Director of Energy Safety - who will administer the government office referred to above - the administrative functions which SECWA presently undertakes pursuant to the Electricity Act, the Gas Standards Act, the Gas Undertakings Act and the Liquid Petroleum Gas Act.

The first of these Bills, the Electricity Corporation Bill, will create a new corporatised entity to carry out the functions of generation, transportation and distribution of electricity. The structural reform processes generated by this legislation are not necessarily a step along the way to privatisation of the corporation. The aim of the legislation is, as far as practicable, to place the new Energy Corporation in a competitive environment while allowing the Government, as the owner, to continue to provide broad policy direction. It is intended to achieve a balance between the need to bring about cultural change, to dismantle the monopoly powers of SECWA and to create an entrepreneurial and competitive environment for the new corporation, and the need to

ensure the corporation is accountable and can effectively carry out government policy. Corporatisation of government businesses is not new in Australia but this is the first time it has been applied in this State to a government trading enterprise. It should also be noted that SECWA is the largest of all government owned businesses in Western Australia.

The legislation has been developed to create an environment in which the new corporation can pursue commercial objectives in a competitive marketplace and in a manner which is consistent with government energy policy. Four principles have been developed which, if followed carefully, should achieve the benefits available from corporatisation. The principles are clarity of objectives, management autonomy and authority, strict accountability for performance, and competitive neutrality. The rationale for each of the principles of corporatisation and why each is essential if the process is to be successful can be explained in this way -

Clarity of objectives: Managers of government businesses face a multitude of social, political, economic and financial goals. These various goals are often conflicting. The corporatisation model aims to clarify a government trading enterprise's objectives. As in the private sector, the most clearly defined and understood objectives are financial performance targets. An objective linked to the commercial performance of the government trading enterprise should provide a powerful incentive for management to seek opportunities, provide services to meet consumers' needs, reduce production costs and shed unnecessary or unproductive functions. The mechanisms used to accommodate these obligations will be explained later.

Management autonomy and authority: It is accepted that a good manager's performance will be improved if the manager, given normal commercial constraints, can make key decisions concerning resource use. The directors and chief executive must be given authority and flexibility to manage the government trading enterprise's activities, subject to the usual business restrictions. Granting boards and executives the necessary freedom to manage government trading enterprises must also be accompanied by a reduction in detailed external controls. External controls should relate only to major strategic issues and not cover detailed operational issues. The new structure will ensure that the boards of the new energy corporations are accountable for operational policy and performance. The Minister will retain responsibility for formulation of policy within his portfolio, and jointly with the Treasurer will set and monitor financial performance.

Strict Accountability for Performance: Increased accountability for performance by Government trading enterprise boards and managers must accompany increased autonomy and authority. Accountability provisions in relation to government trading enterprises will be rigorous and will be used as a basis for assessment of performance. The accountability provisions will stress the need for excellent financial performance. Effective performance monitoring will ensure the Government is aware of good or poor performance. It will also enable suitable rewards to be granted or sanctions to be imposed. The usual checks and balances for strategic decisions and other important policy matters will be maintained in accordance with the Westminster style of government.

Competitive Neutrality: Competitive neutrality means that government trading enterprises will not enjoy any special competitive advantages or be faced with any disadvantages not also shared by their private sector counterparts. As far as practicable, a "level playing field" will be created. In the absence of a competitively neutral environment, inefficient enterprises may prosper, using up scarce resources and diverting resources away from more highly-valued end uses. Special advantages normally enjoyed by statutory authorities such as government guarantees, freedom from shareholder accountability and payment of taxes, either have been removed, or, in the case of government guarantees, an appropriate fee will be payable. The corporations will also, to the maximum extent possible, face contestable markets through the introduction of open access to their facilities which are natural monopolies, such as the Dampier to Bunbury natural gas pipeline and the high voltage transmission system. Directors will also be exposed to a liability regime similar to directors of public companies.

Corporatisation is a strategy aimed at improving the level of efficiency and accountability in government trading enterprises for the benefit of consumers and taxpayers. The new Electricity Corporation will have clear objectives, and must act in accordance with prudent commercial principles and endeavour to make a profit consistent with maximising its long term value. The Bill requires the corporation to prepare a strategic development plan covering a rolling five year period. This plan must include competitive strategies, pricing and productivity information and funding, capital expenditure and personnel requirements. A draft plan must be prepared for the Minister's consideration and agreement two months before the commencement of each financial year. If there is no agreement the Minister has power to achieve finality by directing the board, in which case a copy of the direction must be tabled in Parliament. This disciplined approach to the preparation of the strategic development plan ensures that the plan incorporates government policy and is finalised in a timely manner.

At the core of accountability is the requirement that the corporation prepare a statement of corporate intent for each financial year. This statement is the agreement between the Government and the corporation and must provide for performance targets, an outline of objectives and of main undertakings proposed, accounting and dividend policies and the type of information to be given in compulsory quarterly and annual reports. It must also include details of community service obligations to be performed. The statement of corporate intent must be consistent with strategies outlined in the strategic development plan. The disciplines involved in the approval process for the statement of corporate intent are the same as those for the strategic development plan. At the end of each financial year the performance of the corporation will be measured against the parameters in the statement of corporate intent for that particular financial year.

The primary function of the new Electricity Corporation is to generate, acquire, transport and distribute electricity. The corporation will also be able to use its expertise and resources to provide consultative and/or advisory services and will be required to undertake, maintain and operate any facility or equipment required in the provision of electricity to or for its customers. The corporation is endowed with wide powers but these are constrained in that they may be exercised only in carrying out the functions specified in the legislation. Although the corporation is committed to providing essential services to the public, the integrity of the functions and powers provisions is maintained by requiring the corporation to seek ministerial approval before it commits to any transaction or undertaking exceeding in value 1 per cent of the written down value of its assets, or $20m, whichever is greater. This economic test is backed up by a provision requiring the corporation to consult with the Minister prior to embarking on any major initiative or taking action likely to have significant public interest. This prior consultation allows the Minister to use, if he wishes, his reserve powers to approve the proposed conduct, with or without conditions, or disapprove of the proposed conduct.

The corporation will pay to the State the equivalent of all municipal rates and any amount that would be paid to the Commonwealth if the corporation were liable to pay commonwealth tax. State taxes currently applicable to SECWA will continue to be paid by the corporation. This ensures a level of competitive neutrality and from a tax perspective, the Electricity Corporation will be in no better position than any other corporation.

The Minister is required to seek the concurrence of the Treasurer in a number of instances including the formulation of the strategic development plan and the statement of corporate intent, the determination of dividend policy and the amount of the dividend, the borrowing limits, and the issuance of any government guarantee and the level of guarantee fee payable. The legislation thereby provides for depth of policy input and ensures that there is sufficient linkage to the Treasury arm of government for the efficient management of the State's overall finances.

Quarterly and annual reports must be provided to the Minister. The type of information to be included in these reports will be determined at the commencement of each financial year as a component of the statement of corporate intent. Just as corporations under the corporations law are now subject to stringent continuous disclosure obligations to keep

the market adequately informed, the new Electricity Corporation has a statutory obligation to keep the Minister adequately informed on a continuous basis.

The legislation establishes a relationship between the Minister and the corporation based on consensus, not confrontation. However there is recognition that differences may arise between the autonomy which the board enjoys and the accountability it owes to its Minister. If circumstances should arise where consensus cannot be achieved, to resolve a deadlock the Minister has power to give the corporation directions. In addition the Minister has express powers of direction with respect to the content of the strategic development plan, any modification of the strategic development plan, the content of the statement of corporate intent, any modification of the statement of corporate intent and the level of dividend payable. The general power to direct is not unfettered and may be exercised only to direct the corporation generally in the performance of its functions. All directions must be tabled in Parliament within 14 days of the direction being given. There is provision for consultation with the board where a direction is given and for referral to the Treasurer if the board considers a direction not to be in the commercial interest of the corporation. Directions will also be set out in the corporation's annual report.

It is possible that the corporation will be required to undertake certain community service obligations as part of its business. These community service obligations will normally cover social or non-commercial objectives and can have a significant impact on the corporation's financial performance. Funding of these community service obligations may come from the consolidated fund, by a reduction in the amount of dividend the corporation may otherwise be required to pay or by making an appropriate allowance for the community service obligations when assessing performance. In the determination of and funding for community service obligations, regard will be given to the fact that the corporation has, in effect, been granted an exclusive franchise to operate in the electricity distribution business throughout the State. The existing uniform tariff policy, which ensures that consumers in isolated towns pay the same amount for electricity as their metropolitan counterparts, will be retained by the Electricity Corporation. However, in recognition of the Electricity Corporation's exclusive franchise, uniform tariffs will not be treated as a community service obligation and will remain as a franchise obligation.

The legislation contains corporate management provisions similar to those in the corporations law. Duties imposed on directors include: To act honestly, to use reasonable care and diligence, and not to make improper use of information or position. Civil proceedings may be taken against directors for compensation in certain circumstances. Directors must disclose interests where appropriate and there is a prohibition on loans to directors. Defences similar to those in the corporations law are available in respect of offences arising from breaches of those duties. Of particular significance are the provisions dealing with non-discriminatory access by third parties to the corporation's natural monopoly assets which will facilitate the development of market competition. The natural monopoly occurring within the Electricity Corporation is the high voltage transmission system, which must be administered in a manner that ensures that there is orderly access to the system and transparency in charges for access. Open access to the high voltage transmission system is to be introduced no later than July 1997.

To preserve the integrity of open access to the corporation's assets, the corporation will be obliged to strongly ring fence the physical and financial operations. This will include requirements to provide capacity within the system, if commercially viable, and separate operational and financial reporting for generation, transmission, south west interconnected distribution and sales, Pilbara interconnected system and remote power system. The corporation will be subject to accounting and financial reporting obligations similar to those which other corporations under Corporations Law are obliged to observe. The corporation will remain subject to the audit provisions of the Financial Administration and Audit Act and will come under the authority of the Auditor General.

The corporation will retain the status of agent of the Crown but must observe all state legislation, including the Freedom of Information Act, the Parliamentary Commissioner

Act and the Equal Opportunity Act. Agent of the Crown status, together with provisions enabling the State to authorise transactions involving the corporation in certain circumstances, will have particular relevance where new contracts are entered into following the disaggregation of the gas contract with the joint venture participants. Finally, the Bill contains provision to ensure the corporation establishes minimum standards of staff management and the staff observe minimum standards of conduct and integrity in a manner similar to that established for other public sector entities under the Public Sector Management Act 1994. I commend the Bill to the House.

Debate adjourned, on motion by Mr Leahy.

GAS CORPORATION BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Energy) [3.20 pm]: I move -

That the Bill be now read a second time.

In introducing the legislation for the creation of the Gas Corporation I emphasise that gas is not in any way secondary in importance to electricity in the restructuring process I outlined when introducing the Electricity Corporation Bill. The legislative structure of this Bill is almost identical to that of the Electricity Corporation Bill and incorporates the principles of corporatisation described more fully in my earlier speech; namely, clarity of objectives; management autonomy and authority; strict accountability for performance; and competitive neutrality.

When introducing the Electricity Corporation Bill I emphasised the importance attached to introducing competition into the energy sector. It is equally important for both electricity and gas, but it is true that the need to restructure the gas industry is more pressing. A groundswell of activity has occurred in the gas sector on the expectation that legislation which will have the effect of introducing competition into the areas of the gas industry that had hitherto been the sole domain of SECWA will be passed. It is anticipated that there will be an immediate positive reaction to the introduction of the legislation.

The Gas Corporation Bill will establish a corporation which will be responsible for the operation of the Dampier to Bunbury pipeline and the distribution of natural gas in the metropolitan, Bunbury and Geraldton regions, together with tempered liquid petroleum gas in Albany and simulated natural gas in Mandurah. These activities, in general terms, represent the present gas functions of SECWA. The Bill is identical to the Electricity Corporation Bill in providing the essential machinery for a corporation to operate. The board, executives and staff of the corporation will be subject to the same corporate management guidelines to which the Electricity Corporation will be subject, and members will recall from my comments on the Electricity Corporation Bill that the regime under which the board, executives and staff operate will be similar to that of corporations under the Corporations Law. The primary function of the Gas Corporation is to acquire, blend, transport, distribute and market gas. The corporation will also be able to use its expertise and resources to provide consultative and/or advisory services and will be required to undertake, maintain and operate any facility or equipment required in the provision of gas to or for its customers.

The measures for accountability for the corporation have the same rigour as those for the Electricity Corporation. There will be a five year strategic development plan with annual updates and an annual statement of corporate intent. These play a vital role in the implementation of government policy; consequently, the Bill contains provisions to ensure appropriate consultation occurs with the Minister and the Treasurer in the formulation of these policy documents. There is an emphasis on consensus between the Government and management in finalising the strategic development plan and the statement of corporate intent; however, should that consensus break down, the Minister has the reserve power to break any deadlock and give directions to the corporation. This ensures that these important instruments of management and policy are always finalised

in a timely manner. The corporation enjoys wide powers in the performance of its functions, similar to the Electricity Corporation. Like the Electricity Corporation, the circumstances under which the corporation must seek ministerial approval before proceeding with any project are subject to an economic test. The test for the corporation is 1 per cent of the written down value of its assets or $15m, whichever is the greater amount. After adjustment to reflect the difference in size, this test is the same as that for the Electricity Corporation.

The Bill has identical provisions to the Electricity Corporation Bill relating to -

the liability to pay commonwealth tax and municipal rates equivalent to the State Government as well as existing state taxes;

the requirement for the Treasurer's concurrence with ministerial approvals in the areas of dividends, guarantees and the finalisation of the strategic development plan and the statement of corporate intent;

the power of the Minister to give directions generally with respect to performance of the corporation's functions and the tabling of all directions in both Houses of Parliament; and

the identification and funding of community service obligations.

In common with the Electricity Corporation Bill, this Bill contains particular provisions dealing with non-discriminatory access by third parties to the corporation's natural monopoly assets which will facilitate the development of market competition. To preserve the integrity of open access to the corporation's assets, the corporation will be obliged to strongly ring fence the physical and financial operations. This will include requirements to provide pipeline capacity if commercially viable and separate operational and financial reporting for the Dampier to Bunbury pipeline operations and the distribution and supply of gas. I have already announced that this access will be made available progressively from January 1995 and will initially apply to the Dampier to Bunbury high pressure gas pipeline but will subsequently extend into the distribution system. It should be noted that the early introduction of access to the pipeline would not have been achieved without the successful disaggregation of the domestic gas contracts with the North West Shelf joint venture participants.

I have also announced that the pipeline will remain as part of the Gas Corporation for at least the short to medium term, although consideration may be given to privatising the pipeline at a later stage. This corporation, like its electricity counterpart, enjoys the status of agent of the Crown but has no general immunity from state legislation and must observe the Freedom of Information Act, the Parliamentary Commissioner Act and the Equal Opportunity Act. The legislation also has comprehensive provisions enabling the State to authorise certain transactions involving the corporation and to direct it in certain circumstances. This is particularly relevant in protecting the interests of all of the parties that are impacted by the disaggregation of the gas contract with the joint venture participants.

Finally, the Bill contains provision to ensure that each corporation establishes minimum standards of staff management and the staff observe minimum standards of conduct and integrity in a manner similar to that established for other public sector entities under the Public Sector Management Act 1994. I commend the Bill to the House.

Debate adjourned, on motion by Mr Thomas.

MOTION - SELECT COMMITTEE ON HEAVY TRANSPORT, APPOINTMENT

MR TUBBY (Roleystone - Parliamentary Secretary) [3.28 pm]: I move -

That the members of the Select Committee on Heavy Transport be the member for Armadale, the member for Collie, the member for Northern Rivers, the member for Roleystone, and the member for Swan Hills.

MR RIPPER (Belmont) [3.29 pm]: It is remarkable that the member for Helena, who campaigned against the introduction of road trains into her electorate during the by-election and indicated that she would make an attempt to be a member of this committee, has been excluded by the Government. The member for Helena is not in the list of members moved by the member for Roleystone. What do we see here? The Government has cynically moved to prevent this select committee causing it any embarrassment. The Government knows that if the member for Helena were to be on this committee and were to remain true to her statement to the electors of Helena, she would be required to vote with the opposition members of that committee against the introduction of road trains into suburban areas. The Government does not want a recommendation against road trains into suburban areas.

Mr Tubby: Is the member deciding what will be the committee's recommendations?

Mr RIPPER: I am telling the member, based on the attitudes expressed by members nominated to be on this committee and members who have expressed a wish to be on this committee, that there would be a three to two majority against road trains if the member for Helena were to be on this select committee. The Government does not want that; the Government wants a select committee to deal with the issue, to quieten it down for the Government. The last thing it wants is a recommendation from the committee opposing the plans of the Minister for Transport. The member for Helena has been dealt a lesson by the hard heads in the Government. She has been told she will not be on this committee; she has been told that it does not matter what the electors have been told, this Government does not care about pre-election promises.

This Government does not care about promises to electors. This Government is interested in managing and dealing with issues and getting its way. That is what the Government has done today. It has crunched out the member for Helena, and ignored her opposition to road trains and her promises to the electors of Helena. It has sought to produce a committee that will give a result on the road trains issue that the Government wants, because it wants to impose these monsters on suburban residents.

MR BROWN (Morley) [3.31 pm]: I reinforce the comments of the member for Belmont, particularly having regard to the caption used by the Government in the recent Helena by-election. You may recall, Mr Deputy Speaker, that alongside the candidate's name was "Your voice in Government". The people of Helena were given to understand that by electing the new member for Helena they would have a voice in government, and also they understood very clearly the importance of the road train issue. I believe the Government attempted to give the impression to the electors of Helena that the new member would be intimately involved in decisions on this matter. If the Government had some integrity in this process, believed its own rhetoric and had any intention of involving the member for Helena, one could understand if this matter were brought to Parliament six months or 12 months after the by-election. To bring to the Parliament a proposition which excludes the member for Helena virtually within weeks of the by-election, when the electoral commitments are fresh in the minds of the electors of Helena, is the height of hypocrisy.

I do not know how government members can keep a straight face on this issue and believe that their integrity will not suffer in the marginal seat of Helena when they said, "Elect this person; she will be your voice". At a time when Governments and Oppositions need to show faith to the electorate, when the integrity of members of this Parliament is being held up to the light and when people are looking for some genuineness from members of Parliament and from the Government, we should see from the Government at least some tokenism and some output of expression towards improving that situation. Yet what do we see? On the very first occasion when in this minor way the Government has the opportunity to demonstrate its bona fides, what does it do? It brings before this House a select committee that was mooted during the by-election which simply ignores the very caption put before the electorate. I will ask government members to explain that.

Mr Deputy Speaker, if you happen to drive regularly down Guildford Road towards

Midland, as I do, you would have seen railway poster after railway poster advertising the Government's view. The Government was not backward on this issue. It did not make some slip of the tongue. This was not a comment made by someone in the heat of the moment, or someone caught out. It was a calculated, deliberate promise by the Government put before the people of Helena to say, "This is the reason for voting for this member, who will look after your interests and be your voice." What were the local issues in the Helena by-election? Everyone discussed road trains, and all the polling indicated that road trains and their use and bringing them into the metropolitan area were critical issues in that election. That is why both parties spent a considerable amount of time talking about those issues. That is why the Government moved, quite cleverly in our view, to set up the select committee in this place. That is fine. That is part of the political process.

One thought that having done that and having said to the people of Helena, "Your new member will be your voice in the Parliament", and having then said, "We will set up a select committee into road transport", the Government at least would have honoured that undertaking in the proposed membership of the select committee. Unfortunately we have not seen that. What does it mean for the way in which the Government and our Parliament are held up by constituents? I am glad I am not the member for Helena having to face these questions. Some serious questions will be asked by her constituents. I can understand that in the internal politics of the Government some members might have longer service, more friends in the party room or the ability to command more votes. Notwithstanding those machinations between the wets and the dries, and the Crichton-Browne faction and others, one imagined that, in the interests of keeping faith with the electors, some small token would be granted by the Government by involving the member for Helena as promised. No wonder people are losing faith in and constantly querying the system. No wonder we see editorials lambasting us for double standards and double talk - no wonder, when we do not see this integrity of the process observed in the most minor way.

Another reason for excluding the member for Helena may be that the Premier has been very laudatory about her talents and about her being possible ministerial material. The member for Helena might have been excluded because she does not share the Government's views on road trains. During the Helena by-election the now member for Helena indicated she did not share the Government's views on a number of matters, so perhaps she does not share the Government's views on this matter. Perhaps she has been excluded because the Government is a bit worried about its back and thinks that the member might carry out her commitment as promised to the electors of Helena during the by-election. If that is the reason, we will wait for some comments by the member for Helena when this committee reports, and then we will be able to judge her genuineness.

It is unfortunate that the committee has been constituted in this way. I do not know why it has been constituted in this way so soon after the by-election, during which time serious commitments were made to the electors of Helena. I am sure those people in Helena who are concerned about road trains and who have taken an active interest in this issue will be waiting for some explanation from the Government of why the committee has been composed in this way.

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.40 pm]: From the outset I advise members that while I understand the political flavour of the member for Morley's comments, they can only be described as somewhat Machiavellian. The member for Helena would like nothing more than to be a member of the Select Committee on Heavy Transport. The substantial problem the Government faced was how to accommodate those members who have a legitimate interest in, and a strong personal desire to participate in, this committee.

The committee comprises the members for Armadale, Collie, Northern Rivers, Roleystone and Swan Hills. Three members represent outer metropolitan seats which are areas subject to heavy vehicles leaving or entering the metropolitan area, one member represents the south west rural area and one member is from the north of the State where heavy transport is an important part of economic life. While I, among others, regret that

we cannot have all the members on this committee who would like to be on it, in all fairness it must be said that its current composition represents all political parties and is a suitable blend of outer metropolitan, south western and northern constituencies. In that sense, the committee is well balanced and I hope it can do its task properly.

The fact that the member for Helena is not a member of the committee should not be construed as indicating her lack of commitment to or sincerity on this issue. I take exception to the fact that the member for Morley alluded to these motivations. The member for Helena is yet to make her maiden speech and when she does she may then, or shortly afterwards, say something about this issue. The problem was accommodating all members who wanted to be on the committee. The balance of the membership is reasonable. The member for Helena was genuinely concerned about the heavy transport issue during the Helena by-election. It was an issue at that by-election and public statements were made and brochures distributed to the effect that the Liberal Party candidate would seek to be a member of that committee if she were elected to Parliament. She was elected and she certainly sought to be a member of this committee. In good faith all members on this side of the House would like to see all the members who have a genuine interest in this issue, including the member for Helena, be members of this committee. As happens in political life, members do not always get what they want. It is a personal disappointment to the member for Helena and to many of her constituents who thought she would be appointed to this committee.

Much was said by the member for Morley about numbers. I can assure him that this had nothing to do with numbers, voting or any other plot. The member for Roleystone, who moved for the establishment of the committee and whose constituents are affected by heavy transport, and the member for Swan Hills, who has been making speeches on this subject since she was elected, have an equally strong and sincere interest in this issue. It is desirable that the Government be represented on select committees by both Liberal and National Party members. The member for Collie also performs the role of representing the south west communities.

I sympathise with the member for Helena that she is not a member of the committee, but it has a good membership and is well structured to tackle this important issue for all of Western Australia.

Question put and passed.

ACTS AMENDMENT (HEALTH SERVICES INTEGRATION) BILL

Second Reading

Resumed from 15 September.

DR GALLOP (Victoria Park) [3.44 pm]: This Bill deals with the proposed situation at Bentley and Fremantle Hospitals; that is, that very soon Heathcote Hospital will be closed and patients will be shifted into those two new facilities. This legislation is required to facilitate that process.

The Minister's second reading speech points out that the closure of Heathcote Hospital and the development of Bentley and Fremantle Hospitals as acute care facilities is part of the general thrust in mental health policy in Australia to mainstream services. In a general way it was agreed upon in the 1992 national mental health policy. I will refer to some of the general issues that are involved in this process and relate them to mental health services in the south metropolitan and east metropolitan regions and then link that into the specific clauses of the Bill.

The national mental health policy involves two major elements. The first is that which concerns mainstreaming where the thrust of the policy is to ensure that acute services are provided in general hospitals. The result is that the stigma attached to people being sent to special purpose mental hospitals is overcome. The general development within Australia within the last decade has been to shift those acute services into the public hospital system. Bentley and Fremantle Hospitals are a perfect example of that. I visited Bentley Hospital recently and saw the new psychiatric ward which provides up to date

hospital accommodation for people who have to be admitted. The second part of the national mental health strategy is to provide more community-based services for the mentally ill. If we consider the thrust of policy in the areas of supported accommodation, rehabilitation and clinical services, it is evident there is certainly a push to get more of a community base and, indeed, a home base to the delivery of many of those services. These two issues - mainstreaming, on the one hand, and the provision of community-based services on the other hand - sometimes become confused.

The member for Kenwick will concentrate more than I will on the move within the Health Department to close the Hillview Child and Adolescent Clinic in the east metropolitan region and move that service to the Bentley Hospital site. The argument that that is a form of legitimate mainstreaming is based on a very serious mistake; that is, acute services are not currently delivered at Hillview and it is more a community-based facility. I make the general point that when opposition members refer to mainstreaming they are talking about acute services; and coupled with that objective is the separate desire to have more community-based services. We must be careful that we do not start mainstreaming community-based services. One of my criticisms of the closure of the Multicultural Psychiatric Centre in West Perth is that it did precisely that. As a result, we will have a reduced service. The same thing can be illustrated with Hillview and the member for Kenwick will elaborate on that point.

Bentley and Fremantle Hospitals will provide the psychiatric wards that will enable the closure of Heathcote. As this legislation facilitates that move, it is an opportune time to say something general about what is happening in the south and east metropolitan regions where these hospitals are located. I must refer to two regions. The first relates to the South Metropolitan Health Authority, which covers Armadale-Kelmscott, Rockingham-Kwinana, and Fremantle and surrounding districts. The second relates to the East Metropolitan Health Authority, which covers the Royal Perth Hospital and inner city health service, the Mt Henry health service, the Swan health service, the Kalamunda health service and, importantly, the Bentley health service. I cannot talk about just the south metropolitan region or just the east metropolitan region, but must refer to both because this legislation impacts on them both.

A very interesting document was published this year by the Schizophrenia Australia Foundation called "Care of the Seriously Mentally Ill in Australia - a Rating of State and Regional Programs". The project team was led by Dr John Hoult. All members of Parliament who are interested in the delivery of mental health services in Western Australia, and who want to compare them with the services provided in other States, will find that this document provides interesting statistics and commentary on how we rate. Unfortunately, Western Australia does not rate well. This document also contains a description of what each health region should provide if it is to deliver a comprehensive mental health service. The first chapter of the report, which contains that information, is essential reading in any discussion of mental health policy. John Hoult outlines the sorts of services required in every region, in order that we can safely say that region is catering for the needs of mentally ill people. We know that throughout Australia there is a big gap between that which is required and that which exists. John Hoult stated that the service components of every region should have a number of elements. Firstly, he said there must be a proper assessment service so that when people enter the system they can be assessed. Secondly, there must be a crisis response service, which must be a 24 hour mobile crisis service which can attend an emergency within one hour. In the Perth metropolitan area at present is the crisis response team, which is based in the inner city and provides a service for the metropolitan area. We can discuss at another time whether that service is adequate and whether it is adequately resourced. Thirdly, we need respite facilities. This is a big issue in the health area, not only for the mentally ill but also for the disabled and the aged. Respite facilities are crucially important. Only yesterday I visited the Viveash rehabilitation centre in Midland and talked to some of the people about the gaps in the system. They raised the issue of respite care. Fourthly, we need acute in-patient units which should be located in the region's general hospital. Of course, that is part of the whole mainstreaming strategy. We then need proper medium and long stay in-patient facilities.

Interestingly, Hoult then states that we need a framework within which we properly deal with people with mental illness, and talks about the need for individual case management or team case management. Case management is accepted as the best method of dealing with individuals with mental illness. In individual case management a person is allocated a certain staff member who must make sure the needs of that person are met. The staff members have numerous functions; they may simply coordinate, they may advocate on behalf of the mentally ill person, or they may try to assist with accommodation. They may counsel that person, but they take responsibility for the overall care. It does not have to be a psychiatrist or mental health nurse; it may be the occupational therapist, social worker, or psychologist. Earlier this year I attended an interesting conference in Melbourne which dealt with the whole issue of mental health and case mix. Wendy Weir was at the conference, and I believe she has visited Western Australia a few times. She works in the New South Wales health system and, along with Dr Alan Rosen, a former Western Australian and a psychiatrist, has led the way in case management in Australia. This is an approach which we must ensure is promoted within our regions.

We must also ensure that treatment services are available to people. People will need the appropriate psychiatric, psychological, dental and medical treatments, which must be available for them. At the moment we have a problem with the shortage of psychiatrists in the system. The psychiatric assessment and medication part of that process is in very short supply in some parts of the Perth metropolitan area, and there is a serious shortage in the non-metropolitan area. We then need to provide proper accommodation support, and we now see some very innovative and creative ideas in supportive accommodation. If the Minister for Housing had been in the Chamber, I would have pressed him to ensure that Homeswest played a leading role in the provision of accommodation for the mentally ill. We also should provide vocational rehabilitation services. Again, in this area we must look at some newer ideas for delivering this type of service. There has been a tendency in the past for vocational rehabilitation services to become an end in themselves, rather than a means of rehabilitating a person. Of course, each individual is different and we should not become too dogmatic about that issue, but in some cases the established systems become frozen. I know the Minister will be aware of similar arguments in the disabilities area. Also, of course, we need community support programs and activities for the mentally ill. I am proud to say that one of our former colleagues in this Parliament, Bob Hetherington, a former member of the Legislative Council, has been very active, along with a group of dedicated people, in developing the Clubhouse project. This provides a context within which people can meet and share their problems. It also gives them some status and self-esteem. We also need services for those with substance abuse implications of their mental illness. This is a major problem that has emerged in particular cases and, indeed, some forms of psychosis can be linked to particular forms of substance abuse. The Alcohol and Drug Authority has a role to ensure that the linkage between mental health services and alcohol abuse services is properly coordinated.

We then need services for groups with special needs. I refer to people of particular ethnic, cultural or social backgrounds, or who may be indigenous or homeless. Multicultural services should be available in a city such as Perth. We must ensure that adequate staff training is provided in each region, not only for those who work in clinics and hospitals, but also for those involved with supportive accommodation. Finally, we must ensure there is a proper accreditation process.

John Hoult has given us a difficult task but he has laid down in each of those services a challenge to government. The challenge is that those types of services are needed if the Government is to provide a comprehensive mental health service to a particular region. At the moment in Australia and indeed in Western Australia there is a gap between the aspiration set down in his report and the reality. Bentley Hospital is located in the east metropolitan region, and Fremantle and Heathcote hospitals are located in the south metropolitan region. I will indicate in summary form the degree to which these regions are meeting the criteria laid down by John Hoult. Heathcote Hospital is the only hospital that can admit compulsory patients. This legislation will allow Bentley and Fremantle hospitals to play that role. Heathcote Hospital has 86 beds, and 700 admissions annually.

Fremantle Hospital has a 16-bed psychiatric unit which takes in about 225 admissions each year, but it cannot take compulsory admissions. This is separate from the new ward being built at Fremantle. One of the problems in our system is that because we lack the facilities for those who need to be compulsorily admitted, some people who meet that category may end up in general wards of hospitals. This can pose real problems for the staff in those hospitals, and can mean that inappropriate treatment may be provided. The south metropolitan region has community health centres in Fremantle, Bentley, Armadale and Kwinana. The psychiatric emergency team based in Perth also operates in the south metropolitan region.

We can see the gap in the equation in the provision of rehabilitation and accommodation services. Rehabilitation services are provided in occupational therapy centres at East Victoria Park and Fremantle. The south metropolitan region provides 134 accommodation places altogether. The Richmond Fellowship runs five homes; some of which are located in my electorate of Victoria Park. I know that the fellowship sets a high standard in supported accommodation. It has been buying homes to allow for independent living in the community. As well, five other accommodation services are provided by private enterprise. On top of that is the Whitby Falls facility on Albany Highway near Jarrahdale. The member for Kenwick and I recently visited that 60 bed facility, which is run by a farm manager, and were briefed on its work. It has a trout hatchery and a dairy farm, and vegetables and fruit are grown there. It is operated on a voluntary admissions basis with some provision for independent living. In fact, the old staff quarters have been converted into houses for people who wish to live independently in a semi-rural setting. It is not all that far from the city.

John Hoult's report said about the south metropolitan region -

> We have to record with regret that this is the worst-served metropolitan region in the nation. We rate it below Brisbane South, and just as we cry *shame* to the Queensland government, we must say it to the Western Australian government too. The level of funding here is just abysmal and demands urgent correction.

Royal Perth Hospital is located in the east metropolitan region. It has a 30 bed psychiatric unit which cannot detain compulsory patients, but can admit voluntary patients. The only community services available in the east metropolitan region are provided at the Swan Clinic, Viveash. Most of us would agree that that is not the most accessible location in the metropolitan area. During the Helena by-election I spent some time in that area, and it is not an easy area to get to as it is off the beaten track for public transport.

In 1993, as a result of an initiative of the former Government, Royal Perth Hospital opened a new community mental health centre to supplement that which is provided by the Swan Clinic. The psychiatric emergency team which is based in the city centre services the whole metropolitan area. Sadly, the Multicultural Psychiatric Centre no longer exists. It has been devolved into regions and Royal Perth Hospital. The Opposition will be monitoring that very carefully.

Rehabilitation services are provided at the Midland rehabilitation centre. I visited there yesterday. It operates a living skills program. It sets a good standard for rehabilitation services. The only problem is that is the only centre for the whole region. Clearly there is a gap in the provision of rehabilitation services in the east metropolitan region.

Mrs van de Klashorst: All roads lead to Midland.

Dr GALLOP: It is an excellent location and an excellent service. However, the east metropolitan region is one of the fastest growing regions in the metropolitan area and, as anyone who worked on the Helena by-election campaign will know, it is truncated by major freeways. It is not an easy place to move around. Those who comment on these issues point out that even though Midland has an excellent service in a good location, there are gaps in the system in the east metropolitan area. The east metropolitan region does, however, lead the way in accommodation with 321 places. Many other residents in Perth go to the east metropolitan area for supported accommodation. Casson Homes Inc

runs four group homes in the region. There are nine privately operated subsidised boarding houses run by managers who provide 24 hour supervision, and other hostels provide services in the east metropolitan region.

Finally, the child and adolescent services clinic at East Victoria Park, comprising the Robinson unit with six beds and Hillview Hospital with 15 beds, is located in the east metropolitan region. Hillview is the major facility in Western Australia for dealing with child and adolescent mental illness. It does not deal with every aspect of mental illness, and those who have more acute forms of mental illness have been poorly serviced in the past. Ward 5 is currently being constructed at Bentley Hospital to allow for the compulsory admission of some young people who have mental illness. That will provide another four secure beds, as well as the eight beds that are provided for those with acute forms of mental illness. That gap will be met to some extent by the new facility at Bentley. The Opposition will argue that Hillview should remain as an important link in the chain. The Minister should think about Hillview, not as part of the hospital service, but as part of a community based service where normalisation is encouraged. The health authorities are mistaken in their view that Hillview is a service that should be mainstreamed. They are using mainstreaming in an inappropriate way. That mistake is leading to much heartache and pain among those who are strong supporters of Hillview Hospital. In his summary of services in the east metropolitan region, John Hoult says -

> The only reason that Eastern Metropolitan is not sharing with Southern Metropolitan the disgraceful distinction of having the lowest level of service of any capital city region is that it has a reasonable supply of supported accommodation. Apart from that one feature, services here are appalling.

We are talking about two regions where there are enormous gaps in the system, in accommodation, in rehabilitation, in emergency response and in simple clinical provision. Therefore, we must think about this legislation in that broader context. I want to send a message to the Government along these lines: We support this legislation and believe it is very important to assist in the transfer of people to the facilities at Bentley and Fremantle; however, we do not regard that as being the end of the matter in respect of mental health services. It is not good enough for the Minister to come into the Parliament and say, "We have expanded expenditure on mental health by building the facilities at Bentley and Fremantle" and then forget about all of the support services that are required to make those facilities at Bentley and Fremantle work properly in a modern mental health system.

I was most concerned earlier this year when Dr Simon Byrne resigned his position. I cannot recall the exact position he held within the south metropolitan region but it basically related to the development of a strategy in that region to deliver mental health services. He said that he had resigned because the Government was not providing enough money to make the service work properly. On 28 March an article about Dr Byrne's resignation in *The West Australian* quoted the Minister as saying -

> "He seems to think that there is an endless source of money," Mr Foss said.
>
> "The other people involved in the system don't believe that what he is suggesting is a sensible substitution . . .
>
> "It would be lovely to have a wonderful system which is even better than that which costs $5 to $7m, but we don't happen to have that extra money."

I repeat: The facilities at Bentley and Fremantle are being built but much more must be done to ensure that the community support facilities are available to guarantee a proper service in that region.

I will give an example of the problem. In the Armadale-Kelmscott region, there is no psychiatrist. The remaining consulting psychiatrist took leave and as a result new psychiatric referrals to the Armadale Clinic, Armadale Lodge and Whitby Falls Hostel were stopped and psychotropic medication for outpatients is no longer available. That happened last May. Since then the system has been coping, filling in the gaps and doing the best it can to ensure that people who live in the area or who may be leaving

Graylands Hospital or Heathcote Hospital to go back into the community can be appropriately looked after for medication. The psychiatrists, with their training, education and duty of care responsibilities, are a crucial part of the mental health equation in any area. That is just one example of the problem that exists due to the shortages and how spending of money on the facilities at Bentley and Fremantle is only the first step. If that is not supplied with the proper expenditure on the clinics, on the community health facilities and on supported accommodation and rehabilitation, an adequate service will not be supplied.

I raise with the Minister an important issue which relates to Hillview Terrace Hospital, which is in the east metropolitan region. I am informed that the psychiatrist at Hillview Hospital will soon be going on holidays for one month. When that month is completed, the senior medical officer at Hillview will go on leave for two months. No replacement is available for those two medical officers. At Hillview Hospital there is one full time psychiatrist, one medical officer who also works in the hospital and clinic and a sessional psychiatrist who works in the Robinson Unit, which is part of the Hillview complex, one and a half days a week. Those psychiatrists oversee the cases of the children and adolescents who go to Hillview Hospital. They play a very important part in the equation. I am informed that it has been impossible to find a replacement for the psychiatrist who is going on leave. Despite all of the efforts that have been made to find a replacement, one cannot be found. As a result it is contemplated that the children and adolescents will be discharged from Hillview Hospital. There is a real concern that these children and adolescents will be discharged from the Robinson Unit before they should be.

I will explain to the House some of the problems of those young people. Some have severe behavioural problems that they find very difficult to cope with. For their families they can be enormously stressful and, in some cases, violent. In some cases they are victims of sexual abuse who have to come to terms with that and have been put into Hillview so that they can be given an environment in which they can come to terms with their psychological problems. There is real fear that if some of these youngsters are discharged before it is appropriate, they will be put into a vulnerable situation. Currently there are 13 residents at Hillview Hospital and there is a move to reduce the number to five or six. There will be no new admissions because the psychiatrist is going on leave, followed by the senior medical officer.

I indicate my very strong concern to the House about that development. Children are already on the waiting list to go to Hillview Hospital. With this new development, it is highly unlikely that any of those youngsters will be able to be admitted to Hillview Hospital until the New Year. What happens to those who suffer a crisis between now and the New Year? Where will they go? They may be sent to totally inappropriate settings in Heathcote Hospital - in this case it may be the facilities at Bentley or Fremantle which will replace Heathcote - or Graylands, or they may be sent to a general ward of a public hospital. Hillview Hospital provides a place for people who are not experiencing the most serious forms of psychiatric illness in the sense that they may have to be compulsorily detained - they may need to be restrained in some way - but who, nevertheless, are seriously ill and need treatment in a proper setting. I am concerned with the failure of the Health Department to find a replacement for the full time psychiatrist who will go on leave soon, which not only will leave a shortage in the system for new admissions but also may mean that youngsters will be sent back into totally inappropriate settings where they will be vulnerable. I would hope that the failure of the Health Department to find a psychiatrist and a medical officer to replace those who are going on leave is not based on some clever scheme to run down the staff numbers at Hillview Hospital as a build up to the initial proposal to close it. Although I will not say I think that is what might happen, I hope it is not the case. If the number of people who are admitted to Hillview is reduced and the Government decides to close Hillview Hospital and says, "There are only five or six people there anyway", and uses that as an excuse for the abolition of these facilities, the Government will be subject to very severe criticism. I advise the Minister that I will be pursuing the issue of Hillview with some vigour because of the problems that exist for young people with mental illness.

I make one more general point which has been made before; that is, that the closure of Heathcote should have released very important resources for our mental health system. I am referring to the land on which Heathcote Hospital exists. I am a strong believer in the protection of the heritage buildings at Heathcote Hospital. The Opposition was advised when in government that it was still possible to protect those heritage buildings, to develop the site and to create $20m of revenue that could be used for the mental health system. I quote from page 202 of the Hoult report concerning the closure of Heathcote -

> Western Australians should do everything they can to ensure the money is used to bring the state's mental health services up out of the cellar where we have rated them.

John Hoult urges us as parliamentarians, and the community of Western Australia, to pressure the Government to use some of the money released from the closure of Heathcote to upgrade our mental health services in Western Australia. What is happening? The people of Applecross, through their local member and local council, will ensure that the site stays as public open space. There is no question that there is room in any development of Heathcote for public open space. I note a couple of things. First, the people who are privileged to live in Applecross - and it is a beautiful suburb - are also very fortunate to live alongside the Swan River. Those residents have some of the finest foreshore of any citizens in the State, with plenty of public open space, and indeed some of the best public open space in this State. It is not too much to ask of them, through their local authority, that some of the land to be released from the closure of Hillview be developed to release money to improve our mental health services, which are so far behind the level they should be.

Mr Board: I think you will find that the resolution of council is for public use, and not for public open space. There is a big difference.

Dr GALLOP: The difficulty is consideration of the different options to develop the land to create the revenue. My interpretation has always been that when they say "public use," they are referring to something that will not raise any revenue for that land.

Mr Board: A number of buildings, because of their heritage nature, will remain on site.

Dr GALLOP: I agree with that.

Mr Board: A small portion of the high land will remain for public open space; the rest is for public use.

Dr GALLOP: If that public use can generate revenue for mental health services, well and good. I inform the member that before he came into this place the then Labor Government tried to initiate that concept and met with a very stony response from local government and the other side of the House. We now have the opportunity to release resources to spend money on an area of our health system that is drastically in need of extra revenue, such as supported accommodation and rehabilitation services, yet this Government, and the people of Applecross, will not make any concessions.

I agree with John Hoult that we should put pressure on the Government to release revenue from that site. That is the context within which we debate this issue. It is not good enough for the Government to say, "Look how good we are. We are building Bentley and Fremantle", when it was the Labor Government's decision to build Bentley and Fremantle Hospitals. All these other things must be done before approval is gained from those people who know what is necessary in the area of mental health policy.

The problem with the legislation is that there are now no voluntary admissions to our public hospitals. We are moving to mainstream our mental health system. This will mean new wards for mentally ill people at Bentley and Fremantle. There is no way one can make voluntary admissions to public hospitals, but we are moving to set up psychiatric wards in our public hospital system. That is the problem this legislation addresses. What must happen? First, the Hospitals Act must be amended. The hospital boards are the primary management authorities for our public hospitals. They are the employers and make the major financial and staffing decisions. This Bill provides for the Hospitals Act to continue to apply to a public hospital, even though an order setting aside

the relevant facilities as an approved hospital under the Mental Health Act is in force. It is a fairly simple procedure. A section of a public hospital is separated off as a mental health facility, but is still part of the overall management of the hospital. This legislation amends the Hospitals Act to make that possible.

The second part of the legislation deals with the Mental Health Act. Let us focus on that area of a public hospital that is set aside to take in mentally ill people. The director of psychiatric services can delegate his or her functions, other than the function under section 20 of the Mental Health Act which states -

> The Director shall make the final determination as to the nature of the service to be provided for any person requiring treatment under this Act, but a person shall not be admitted to, or detained in, a training centre, unless he is an intellectually defective person.

The key point is that the director makes the final determination as to the nature of the service to be provided. The director of psychiatric services can delegate his or her functions other than the final determination as to the nature of treatment to be provided. The director will continue to be able to review the directions given by a psychiatrist of a public hospital so that overall review function will be maintained. Even though they are part of a public hospital, managed by the public hospital, the director of psychiatric services will still have that overall function in relation to the mentally ill people who are there.

Another change will be brought about by this legislation. I ask the Minister to comment on this section in his reply, because that will avoid going into Committee. A whole section of the Mental Health Act deals with admission, detention and discharge of patients. That is a crucial part of the Act. It impinges upon the rights of people, which is crucially important for their destinies as human beings. I believe this section will be significantly improved in the rewrite of the Mental Health Act due later this year or early next year. Under section 83 of that Act, certain persons are prohibited from signing referrals. Section 83(1) states that a referral is not valid if it is signed by a medical practitioner who -

(a) is a relative, guardian, partner, principal or assistant of the referred person;

(b) is the justice ordering a person to be examined or to be conveyed to an approved hospital;

(c) is a medical officer of an approved hospital;

(d) in the case of a referral to an approved hospital that is a private hospital, is the permit holder or a relative of the permit holder in respect of that hospital; or

(e) is a member of the Board.

Those people cannot sign referrals. It is obvious why that clause is included - to protect the interests of those people so that there is no conflict of interest between the person signing the referral and the place to which that person may be referred. For example, in the case of a referral to an approved hospital which is a private hospital they may be the permit holder of that hospital, or they may be a relative, guardian, partner, principal or assistant of the referred person. The clause attempts to make a clear distinction between the referral and the admission examination of that person so the interests of the individual are protected in the process. That is as I read that clause.

This legislation proposes to take out paragraph (c) which states that referrals are not valid if signed by a medical practitioner of an approved hospital. It has been explained to me that this is not thought to be necessary because it is still possible to separate the process of referral from the admission examination, even if the referral is made by a medical practitioner of an approved hospital. In other words, the fact of being employed in an approved hospital does not impact upon this distinction and, therefore, as I understand it, the Government is satisfied that those conflicts of interest will be avoided. We are also told in the second reading speech that some problems with admissions have resulted from this clause. I would like to Minister to outline in his response some of those problems.

The Opposition supports this legislation. It will facilitate the transfer of patients from Heathcote to the new wards at Bentley and Fremantle. In that sense we are very supportive because that development was necessary; indeed, it was commissioned by the previous Government. The Opposition is disappointed that funds will not be released from the closure of Heathcote through the proper and environmentally sensitive development of the Heathcote land, and that those resources will not be used for the mental health system. We will continue to press the Government on that matter. The Opposition also maintains that the Government cannot be allowed to argue that this is the end of the issue. The buildings at Bentley and Fremantle are just the beginning. We have already been sent warning signals: The resignation of Dr Simon Byrne, the absence of psychiatrists in the Armadale-Kelmscott region, which has prevented new referrals, and the current problems at Hillview due to the psychiatrist going on leave, all indicate to members on the opposition side of Parliament that much needs to be done before we can be satisfied that a comprehensive and adequate mental health service exists in the south metropolitan and east metropolitan regions where these hospitals are located. We send out the message that as far as we are concerned the debate here this evening, which is supportive of this legislation, should not indicate to the Government that we will not press it hard on the other issues I raised this afternoon.

DR WATSON (Kenwick) [4.35 pm]: I wish I were in another place this afternoon; namely Hobart, where history is being made with a resolution at my party's national conference to endorse women candidates for 35 per cent of all safe seats by the year 2002. In our State we will have that by the year 2001. This is not a party political broadcast: It is an enormously supportive step for women in the community as well as in the Australian Labor Party.

The DEPUTY SPEAKER: Order! I have allowed the member to stray; now we will deal with the legislation.

Dr WATSON: It is a day for celebration -

Dr Gallop: It's my birthday!

Dr WATSON: - and it is the member for Victoria Park's birthday!

The DEPUTY SPEAKER: Order! The member on her feet is trying to start a speech. Now we have side interjections on an issue which has nothing to do with the Bill. I will formally call to order the next person who interjects on that matter.

Dr WATSON: This Bill, as the member for Victoria Park said, is about the mainstreaming of care for people with a psychiatric disorder in general hospitals as non-voluntary patients. Issues related to community-based care also arise because of the way the Government is trying to use that mainstreaming procedure and facility for a group of people who would attend the Hillview services in Victoria Park. It is a dreadful mistake to try to mainstream community-based services. I am also disappointed that the services at the Multicultural Psychiatric Centre have now been closed. Again, in not only my view but in the view of psychiatrists and of clients who have attended that centre, it is a mistake to cut off that kind of service for people whose first language is not English.

Mainstreaming will see the building and development of special wards and services at Fremantle and Bentley Hospitals. The decision to do that was made by the previous Labor Government. As the member for Victoria Park indicated, the intention was that the Heathcote land and buildings be sold and the proceeds of those sales used to support the building and services at Fremantle and Bentley. Bentley Hospital is in my electorate and, as members know, I have had considerable dealings with the issues relating to Hillview. One of the problems about mainstreaming and having psychiatric patients, not necessarily approved patients, in a general hospital ward relates to the way in which doctors, nurses and social workers in particular are prepared in their own education.

As a former nurse, I continue to advocate for a nursing curriculum that gives everybody basic general training. People could then undertake specialist education in psychiatry in the same way that nurses often take up midwifery. Instead, there has been a focus, not only in this State but in many States - it is an issue for nursing education - on having

specialist psychiatric nurses and general nurses in case something goes wrong with the body of a person who has been admitted for psychiatric care. Often there can be a delay, a mistake or too many questions asked about the concerns of the person who has come in primarily for a psychiatric illness. In the same way, someone who is in a general ward, say for surgery or the treatment of a medical condition, but who has a pre-existing psychiatric condition which exacerbates that may also suffer the same delays and lack of appropriate treatment until the psychiatrist or a specialist psychiatric nurse comes in. Therefore, it is important. I recognise that we are dealing with people who will be approved for treatment who will not necessarily be voluntary patients. Nevertheless, it is important to make that point because the door is now open for patients in many public hospitals to be admitted to an approved bed.

Unfortunately, the mental health and mental illness issue is still stigmatised. The recent national mental health policy contains some data about the incidence of mental illness in Australia. We are dealing with a significant number of Western Australians. At some point in their lives, one in five Australians experience significant disruption to their mental wellbeing and quality of life. At any point in time, such as today, 3 per cent to 4 per cent of all Australians will experience severe mental disorders which will significantly interfere with their mental wellbeing and reduce their capacity to participate fully in community life. A significant number of those people will require ongoing assistance from mental health services. Happily, since the 1950s, there has been a movement away from segregation of people with psychiatric disorder and custodial care to understanding these diseases as illness. They are still significantly stigmatized and one of the problems of that kind of stigma is that it detracts not only from care for a mental disorder, but also from a person's rights. It contributes significantly to the view that people who have a mental illness do not always have access to the same kind of rights to hospital and medical care, privacy and various individual matters that they should.

I want to outline a very compelling story about a woman who wrote for the GROW group. GROW is now an international organisation to which people who have had a mental illness can meet in self-support groups. Not only do they find friendship through meeting in those groups, but also they actually support their care, rehabilitation and return to the community. The story is about a woman called Joannie. It states -

> Joannie was quite mad. She smashed the glass and deliberately drew the jagged edge up her arm, watching in a detached way as the blood spurted out. "In the action of cutting myself, I am a scientist exploring the unknown," she wrote calmly to a psychologist. "I am preparing and disciplining myself for when we have the next war and are being tortured. I am a great person who, having cut beyond the depth of an inch, can make the public frightened of me.

She went about this creation with broken glass and razor blades. As a little girl, she suffered severe deprivation when she was separated from her twin and she developed a morbid preoccupation with death. At the age of 19, she was certified and admitted as an approved patient to a hospital in Sydney at which, over the next two years, she had a hundred sessions of electric shock treatment and, for the next year, insulin therapy. She also had group therapy. To cut a long story short, she eventually got through the illness with the support of GROW and the kinds of friends she was able to make there, and with the support of her doctors. This woman's story is quite amazing because not only did she recover from that dreadful illness but also she is an advocate for people with mental illness and says that she has completely rebuilt her life. It is clear from the extracts that I read that that woman was very ill and very disturbed. It is for people like her that these approved beds are needed.

I want to return to some of the things that Brian Burdekin said about people who have mental illness and the kinds of services provided for those people in Australia. I do not think anyone will have any argument with his conclusion that people affected by mental illness are among the most vulnerable and disadvantaged people in Australia, particularly when it is a long term illness and when the circumstances of the illness have meant that the person has felt stigmatised, especially those people who have extra needs because they are young or come from a non-English speaking background, they are Aboriginal or

Torres Strait Islanders, or they are prisoners. They bear the burden of a double disadvantage. An Aborigine or a prisoner who has a psychiatric illness has sure copped a double whammy because the level of discrimination and ignorance in our community associated with psychiatric disability is unacceptable and remains to be addressed.

Burdekin also made the point that savings from the so-called deinstitutionalisation process have not been distributed to mental health services in the community that are seriously underfunded. The Government should be persuaded to re-examine the funding of not only the Bentley and Fremantle services, but also the psychiatric services through the sale of some or all of the Heathcote facilities because there is no doubt that, when we examined the Budget through the Estimates Committees last year and this year, we found that funding for mental health services was poor. I am not saying that that is a new thing, but it must be addressed. I am sure that, if we were consulted about this, we would be happy to work hand in hand with the Government to secure more funding for people with those kinds of illnesses.

Burdekin also made the point that these policies of mainstreaming - the policies that we are debating today - will not work without a substantial increase in funding for those resources, particularly in relation to specialist services in public hospitals for particular illnesses or particular categories of people. I shall return to those issues when discussing the Hillview facility.

The Burdekin inquiry, and the federal response, recommended a number of measures, including the redirection of funds from high cost psychiatric institutions to community-based services; in other words, the provision of a great deal of community-based psychiatric care. I realise that we are not talking about people who would be in approved beds, but the Mental Health Act stipulates that when people are discharged from hospital, continuing care and rehabilitation is an important part of retaining health and dignity. Therefore, the redirection of funds to the community is a very important issue. Another recommendation was increased services in innovative models of care. We already have that provision through the Hillview facility; in fact, Commissioner Burdekin cited Hillview as a model service for disturbed adolescents and children.

Another recommendation was that better links be established between government and non-government mental health organisations. We have a sufficient number of psychiatrists in Western Australia, but most are operating in the private sector as a result of the recent restructuring of government services. Therefore, we must attract psychiatrists to, and keep them within, the public sector. The Federal Government has committed itself to working with State Governments to upgrade and establish acute psychiatric care in general hospitals. I understand that a substantial sum of money has been provided to support the approved beds program at Fremantle and Bentley Hospitals.

One of the Federal Government's responses was to examine a number of categories of people with particular vulnerability: It considered women, Aborigines, Torres Strait Islanders, people with chronic illnesses, older people, children, and adolescents. The Federal Government made a number of proposals considering the emotional and psychiatric wellbeing of young people who experienced multiple disadvantages and were the subject of suicide prevention measures. Over the years real concern has been expressed on both sides of this Chamber about people at risk of suicide, and about the families of young men and women who have taken their lives. We know that a significant challenge faces all adults and policy makers in this regard.

I would like to link the recommendations and commitments of the Federal Government to the recommendations of the ministerial task force established by Hon Keith Wilson, and which reported to the Leader of the Opposition when he was Minister for Health. I assure the House that the 20 recommendations made for the development of child and adolescent mental health services fit absolutely perfectly with the commitment given by the Federal Government in this regard. I point particularly to the recommendations for redirection of resources for child and adolescent mental health services across the metropolitan health region and cooperation and coordination being developed across the government and non-government sectors. The recommendation was that priority be given to the special needs of the at-risk children and adolescents.

As the member for Victoria Park indicated, it is a mistake to try to mainstream the Hillview Child and Adolescent Mental Health Centre. The need for approved and appropriate services in this regard is undoubted. I earlier indicated some data from the national report in this regard. The Royal Australian and New Zealand College of Psychiatrists estimated that 16 per cent of adolescents suffered from a recognisable psychiatric disorder; that 5 per cent suffered from a serious disorder requiring intervention; and that 1 per cent suffered from severe disorders of that kind - that is, one in 100 of all adolescents in Western Australia suffer from severe disorders.

All admissions to Hillview are voluntary, and a number of exciting and innovative services have been developed at that facility. The outpatient clinic saw 755 new clients in 1993. The Robinson unit, which takes people aged between eight and 18 years, is a six bed unit where the average stay is between one and two school terms. The Hillview Hospital takes 12 patients at a time aged between 13 and 18 years with an average stay of approximately four months. Those children are seriously disturbed, and some of them at the earliest intervention part of their diagnosis are at very high risk of suicide or other behavioural problems, including juvenile offending. The focus of this therapeutic non-clinical setting is to maintain a fairly normal life for the residents while undergoing assessment and psychiatric treatment. It is insisted that the children continue to attend school while receiving care at Hillview, and they attend Kent Street or Cannington Senior High Schools.

At the height of the public dismay and despair about the possible closure of Hillview, I received a letter from the principal and the school psychologist at Cannington Senior High School. It reads -

> The letter is sent to express our support for the quality of services that have been offered by the Hillview Child & Adolescent Mental Health Centre.
>
> The outreach service which supported students and broadened teachers understanding at Cannington Senior High School has been highly valued.
>
> The Student Support Team at Cannington Senior High School is concerned that the closure of Hillview Adolescent Mental Health Centre will lead to the loss of a referral agency for students and parents.

This indicates that Hillview is an enormously important community facility for parents as well as the children involved.

The typical patient profile at Hillview is that 14 per cent are victims of domestic violence, family disintegration or obsessive disorders, 16 per cent are victims of rape or sexual abuse, 34 per cent are children or adolescents suffering gross emotional or behavioural dysfunction, and 46 per cent are adolescents who are suicidal. To date, not one suicide has been reported for a patient treated at Hillview. That is an enormous compliment not just to the success of the Hillview facility but also to its staff. Compliments must come also from the number of young men and women who were able to stand up in public meetings and say they needed help so desperately that they were prepared to have themselves admitted to Hillview. The member for Victoria Park earlier referred to a young woman called Georgina Turner, who said that Hillview saved her life and that when she went there, she had a huge hole in her heart that needed to be filled. This young woman has a patchwork of scars on her wrist. She has attempted suicide many times. However, she now considers herself cured but vulnerable, and she is a contributing member of the community, as are so many of the people who have been at Hillview. We received letters from past patients and their parents. We received a letter from an art therapist who wanted to write about the positive aspects of Hillview. We received a citation from Brian Burdekin, who described it as a model service. We received citation after citation.

The Friends of Child and Adolescent Psychiatric Services has been tremendously distressed by the attitude of the Government, notably the Minister, to its concerns and complaints. Firstly, the Bentley service will build 50 adult approved beds on one side of Mill Street, and, on the other, ward 5, remodelled, will have 12 adolescent approved beds

and four isolation beds. There will be no direct access to an outdoor area and no direct sun until the afternoon. The person who contacted me with his concerns said, "It is an environment which will drive a sane person mad." That is an indictment of the consultation process. This matter should have been discussed before there was any planning to take into account the kind of environment that will assist in the recovery of ill and disturbed adolescents, who do not choose to go there.

Another aspect of the lack of consultation with, and even courtesy to, the Friends of Child and Adolescent Psychiatric Services is that although a consultant was appointed about a month ago, the first meeting between him and CAPS will take place only tomorrow. It took from December 1993 to two weeks ago for the Minister for Health to meet four representatives of CAPS. The member for Victoria Park and I challenged the Minister for Health, both publicly and privately, to meet CAPS, but he avoided that meeting. I am told that when the Minister did meet CAPS, he did not listen, he was dismissive, he was arrogant, and he did not acknowledge the report which they wrote. The Health Department officials certainly knew that that report was being written, because they had input. The Minister did not respond to any letters. He tried to placate them. What hurts them most - it is appropriate that I say it here - is that in that meeting he did not once mention the needs of their children. They know that Hillview will be closed. They know that all they will be consulted about is the colour of the paint and the kind of curtains. That is grossly disappointing.

MR MINSON (Greenough - Minister for the Environment) [5.05 pm]: I thank members of the Opposition for their general support for this Bill. They did, as one might expect, raise a number of issues which had little to do with the Bill.

Dr Gallop: They are part of the equation.

Mr MINSON: Yes, but unfortunately those comments are very difficult for a Minister representing a Minister to deal with, because a Minister representing has only a certain amount of licence to respond to comments that are made. The member for Victoria Park rightly pointed out that although these changes affect the Hospitals Act 1927 and the Mental Health Act 1962, they allow the Government to give effect, through the Health Department, to the 1992 national mental health strategy. Certainly, the tendency now is for mainstreaming and community services. The member for Victoria Park said that we should not confuse mainstreaming and community services, and that Hillview should stand alone and be regarded as a community service. We have had two debates about this matter - a grievance and a matter of public importance - and during those debates I used notes and information provided by the Minister's office in order to address some of the issues raised. This raises the issue that we faced when in opposition; namely, whether opposition spokespersons should reside in the Chamber where the Minister resides in order to make these debates more meaningful.

Dr Gallop: Your life is much more interesting as a result of the fact that you are the Health spokesman in the lower House. We are working very hard to get you into the job.

Mr MINSON: I assure the member that I am having a very interesting life as it is and I certainly do not have the time to bone up on the Health portfolio more than is necessary.

The member for Victoria Park mentioned a number of things which I want to talk about, not in terms of a response but in terms of principles. The member quoted quite extensively from some of the work of Dr John Hoult. I think he said, if I was quick enough with my pen, that Dr Hoult pointed out that any service which we provide for the mentally ill, if I can use that term, must have a good assessment program, a crisis response program which operates for 24 hours a day, and a good respite program. Respite care is, of course, a matter with which I deal every day in the disability services area. Dr Hoult said also that while each person's case must be treated individually, a case crosses a number of disciplines within the mental health area and cannot always be managed simply by one person.

The member spoke about accommodation support, vocational rehabilitation services, and in particular substance abuse services; that is, either substance abuse as a result of a psychiatric illness caused by people abusing psychotropic substances and so on, or

mental problems secondary to treatment for some other type of illness, perhaps even treatment of the mental illness itself. We must take care in all those matters, but I counsel wisely that we need to be careful still to treat each individual holistically. In other words, pigeonholing mental health too much - as with a range of other issues - leads to a piecemeal approach and perhaps we would lose the point of view and, of course, move to mainstreaming in the mental health area. By giving support to this Bill, members have indicated their support for the rapidity with which the Bill has been brought on, because they realise the legislation must be brought into operation by 10 October in order to enable services at Fremantle and Bentley to commence.

The member for Victoria Park made several comments about the south metropolitan and east metropolitan situations, and referred to the Midland service as being a good one. He could not help himself, and again mentioned the Hillview situation. I understand the member's electorate concerns and his genuine concern as the shadow spokesman for that building and operation. Speaking on behalf of the Government and the Minister for Health I emphasise the point, as I have in other debates on this issue, that although the service may not continue at Hillview - and the situation has not been resolved yet - it will be provided at an equivalent level. It is difficult for me to say what and where, but the Minister for Health and his staff have gone to great pains to point out that they have no intention of diminishing the quality of the service. Should Hillview cease to exist in its current form, the lessons learned there will assist in the service being implemented in other places.

The member for Victoria Park also referred to problems associated with the psychiatrist and the medical officer going on holiday, and the lack of a replacement. People may be discharged before they should be. I cannot comment on that issue. I will try to remember to bring that speech to the attention of the Minister for Health. I will ask him to respond to that point of view. In the event that there is a slip between the cup and the lip and an answer is not forthcoming within a reasonable time, I suggest the member put the question on notice, because it is an important issue. If a problem exists, we should address it. I would be surprised to hear if arrangements are not in place or even in the pipeline.

As stated in the second reading speech, the amendments to the Hospitals Act and the Mental Health Act will provide further mainstreaming. The member for Victoria Park referred to section 83 of the Mental Health Act, and pointed out that perhaps the referee and the admitting person may be the same person. We know that we must separate the two. The second reading speech mentions the problems. Despite my attempts to do so, I am not able to supply examples relating to specific hospitals. Apparently problems have been reported, particularly in outpatient services. If the member wishes, I will undertake to provide some examples. If we move to the Committee stage, an adviser will be available to me. I have discussed the matter with him, but I have been unable to find specific examples. I spoke to the member some days ago about this matter, and I apologise for the delay. I undertake to provide the information on behalf of the Minister for Health.

The member for Kenwick spoke about mental health and mainstreaming. I think I have covered most of the points she raised. She shared the concern of the member for Victoria Park about the services at Hillview and the Multicultural Psychiatric Centre. She said that those matters should be considered as special cases. The member also mentioned the importance of mental health. I can only agree with her. I remember a couple of emotional speeches on the subject delivered in this place by the former Minister for Health, Keith Wilson. People who know Keith Wilson will acknowledge his close personal reason for having that depth of feeling. I share the concern expressed by both members about mental health, as does the Minister for Health. It should be noted that 7.3 per cent of the Health budget is allocated to mental health services. Community care facilities and services have received an extra $0.8m, and additional funds have come from the national mental health program. Although that is not state funding, in collaboration with the state health services an increased allocation of $500 000 has been made for the Kimberley. Considerable federal-state cooperation has occurred in the

provision of mental health services for Aboriginal people, and an increase of $1.6m has been provided in the funding already spent in rural areas for health services. That funding was a necessity for those areas. No member in this House would disagree with that.

Finally, the member for Kenwick referred to a lack of consultation on the Hillview situation. It is inappropriate for me, on behalf of the Minister for Health, to become involved in that argument. However, I note that CAPS will meet with the consultant, so perhaps there will be some improvement in that area, although my understanding from the Health Department and the Minister is that considerable consultation has occurred already. I do not intend to respond to the personal comments by the member about the Minister for Health. It would be inappropriate for me to comment on remarks made about an esteemed colleague in the other place. Perhaps this is an area where we should adopt a policy of having opposition spokespersons located in the same House as the Ministers holding the particular portfolio, although I realise that is not always possible. I thank members for their comments, which ranged far and wide; on mental health in particular.

Mr House: You snuck in a couple of comments about representation of women in Parliament.

Mr MINSON: We even got onto the national conference of the ALP being held in Hobart. As I said by interjection, I point out again that we managed to bring into Parliament another female member, this time as a result of the Helena by-election. I note that members opposite missed the opportunity, even a couple of days after they had stated they would commit to do so.

Dr Watson interjected.

Mr MINSON: I understand that. We could not let another male come into the Parliament, so we had to win that by-election.

I thank members for their contributions and I thank them sincerely for their support of this Bill. The timing of this legislation is important. I understand that the implementation of the services at both Bentley and Fremantle is aimed for quite early in October. Therefore it is imperative we clear the Bill from this House and transmit it to the other place.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Minson (Minister for the Environment), and transmitted to the Council.

FISH RESOURCES MANAGEMENT BILL

FISHERIES ADJUSTMENT SCHEMES AMENDMENT BILL

FISHING INDUSTRY PROMOTION TRAINING AND MANAGEMENT LEVY BILL

PEARLING AMENDMENT BILL (No 2)

PEARLING INDUSTRY PROMOTION TRAINING AND MANAGEMENT LEVY BILL

Second Readings - Cognate Debate

Resumed from 21 September.

MRS HENDERSON (Thornlie) [5.22 pm]: The Bills being considered in this cognate debate have some significant environmental ramifications. During the second reading debate the other evening, my colleague, the member for Fremantle, who is handling this

Bill on behalf of the Opposition referred to clause 114 of the Fish Resources Management Bill which provides for the relationship of this Bill to other Acts. My colleague asked whether it meant that the provisions of those other Acts were able to override the provisions of this Bill with the effect that setting aside areas for the protection of fish and the drawing up of plans designed to protect those areas might provide no consequential benefits due to the other Acts having paramountcy over this legislation. The Minister was good enough to agree to my colleague's request for briefings on the matter. I was pleased that the Environmental Protection Authority was able to give us some details on how those Acts work in relation to each other. A cursory reading of this Bill might give a false impression. Clause 114 makes it clear that the Mining Act, the Petroleum Act and the Petroleum (Submerged Lands) Act override this legislation. However, section 5 of the Environmental Protection Authority Act makes it clear that that Act overrides all other legislation. The capacity of the EPA to assess issues of concern are not reduced by clause 114. My only concern is that at some future stage the Government might bring to the Parliament amendments that change the fundamental provision that the EPA Act shall override other legislation. As long as that does not occur I do not have any problems with clause 114.

Mr Minson: I would not dare touch it!

Mrs HENDERSON: I am delighted to hear that commitment from the Minister; I hope he will say that loudly and clearly to his colleague, the Minister for Planning, sitting alongside him so that he appreciates that the provision which enables the EPA Act to override all other Acts has the support of both sides of the House and is seen as a major tenet of environmental protection in this State.

Mr House: I endorse the comment of my ministerial colleague. The Government has no intention of changing that legislation.

Mrs HENDERSON: I am pleased to hear the National Party's support for that position. Two questions arise out of the relationship between these various Acts: The first relates to whether the declaration of a fish habitat area would be of sufficient environmental significance to trigger that section of the EPA Act which enables the EPA to assess such a declaration. I am referring to section 38 which reads in part -

> A proposal that appears likely, if implemented, to have a significant effect on the environment, or a proposal of a prescribed class.

It then describes what is a prescribed class in quite broad and general terms. My understanding from our discussions with EPA officers and the Fisheries Department is that, traditionally, normal fishing activities have not had a sufficiently significant impact on the environment to warrant the EPA's assessing the department's plans. I understand that the relationship between those departments is very productive. It is a measure of the esteem in which the EPA holds the assessment and record keeping capabilities of the Fisheries Department that the EPA has not sought to intervene by using section 38 of its Act. However, if the EPA wishes to intervene in the future and assess such a declared area, would it have the power under the EPA Act to do that? That question is topical because a debate has been going on about whether legally the EPA is able to do that. There has never been any question whether the EPA can assess management plans such as the plans for management of the forest by the Department of Conservation and Land Management. I understand that is because it is quite clear they are activities which have a clear and marked effect on the environment. However, the Minister for Planning has been particularly interested in the fact that the Crown Law Department believes that, for example, the rezoning of land which involves no more than changing the categorisation of land - changing the colours on a map - was not of sufficient concern to be assessed under section 38. It is one of the things to which the Minister for Planning has referred in his legislation which we find quite offensive. However, the principle has also emerged recently in relation to another area, which is quite different from the rezoning of land. Everyone will agree that the rezoning of land of itself is not necessarily an active proposal. However, it gives rise to the potential for developments and for other proposals which could have a severe impact on the environment.

The Opposition was concerned to learn of the case currently before the courts concerning the Burrup Peninsula. In that case a draft land use plan was prepared. I understand that the EPA initially decided that it would formally assess that plan because it was wide ranging and very detailed. It covers a wide range of land use including major industrial development on the Burrup Peninsula. It is the kind of plan one would expect the Environmental Protection Authority to have the capacity to assess, because once it was in place and accepted it would have a dramatic effect on the future of the peninsula, which is an extremely fragile environment, described by many researchers and others as having high environmental significance. I understand the Department of Resources Development challenged the EPA decision to assess that plan and used the previous legal advice that the EPA received on rezonings. It said that this was just a draft plan and not necessarily a development. The department said, "It is our view that you should not be able to assess this draft plan." As a result, as we all know, the matter is before the courts. An environmental lobby group is seeking a writ of mandamus for the EPA to do its job, which is to assess the plan formally. However, I was pleased to learn this afternoon that the EPA is joining with that environmental lobby group to argue in favour of its being able to formally assess the Burrup Peninsula draft land use plan and, in fact, the two environmental bodies will be arguing against the position of the Crown.

Mr Minson: That is not quite true. The EPA decided to let the court make a determination. There is the position of Robin Chapman's group, which had been issued with a writ at that time, as I understand it. The EPA decided that it would not defend; in other words, it decided to allow the Supreme Court to make a determination whether under that part of the Act it had a right to assess a plan.

Mrs HENDERSON: Is the EPA not making submissions?

Mr Minson: I am not too sure, frankly.

Mrs HENDERSON: It had been my impression that it was.

Mr Minson: The Crown Law's position is that there is no draft plan and it stands by the original advice. Therefore, it is not a defendant. A determination will be made on that part of the Act.

Mrs HENDERSON: That will be valuable. I understand that the Minister for Planning used that as one of the foundation stones on which he brought this legislation before the House. While I think it would be good to clear up that issue - and it is an anomaly that the EPA is not be able to assess matters such as rezoning - it is unfortunate that the planning legislation, which we will debate later, in its current form is a heavy handed way of addressing that problem and seeks to remove the opportunities for the EPA to intervene at later stages of the development process. However, in the Bill currently before us, the question really comes down to whether the management plan for the fish protection zone could be assessed by the EPA, if it decided it wished to do that. I am conscious that the EPA has made it clear that it does not intend as a general practice to seek to do that. It is quite happy with the present kinds of assessment and public input that the Fisheries Department conducts. It is quite happy with the method by which the Fisheries Department collects data from the industry and seeks to assess whether areas are being overfished or changes need to be made to the way in which an area is managed. There may well be a situation where the EPA would seek to be involved.

The whole point of having these protected areas is that they must be more than just protected in name; the Fisheries Department must have the capacity to be able to take action, as must the EPA, should the matter be at that level of concern. I was interested that among the various criteria the EPA used to assess whether a matter had sufficient environmental significance was the level of public concern. I have no doubt that as areas emerge as requiring protection, and as concerns are expressed about the levels of fishing within those areas, that in turn will give rise to public concern. I hope the Minister will clarify the extent to which he is convinced that the EPA has the capacity to intervene to assess those plans should it wish to do so.

Mr House: Is it your view that that should be the case?

Mrs HENDERSON: The EPA should have the capacity, should it choose to do so. The whole point of the Environmental Protection Act overriding other Acts is that if something occurs of sufficient environmental significance, the EPA should be able to assess it and decide whether to take action, either of its own volition or from public concern. If there is a problem with the EPA's legal capacity to do that because the proposal is called a plan or a draft plan, one should change the Act to make it clear that it can intervene.

Mr House: You could not do that to the Fisheries Act; it would have to be to the Environmental Protection Act.

Mrs HENDERSON: At the moment much would appear to hinge on the nature of the document, and whether it is called a plan or a draft plan. I expect that to become clear as a result of the Burrup Peninsula case, and we hope that decision also will make it quite clear when the EPA has the capacity to intervene. If the judges in the Burrup Peninsula case say, "We do not believe in this case that the EPA has the right to formally assess the proposal as a matter of course, because it is a draft plan", presumably in the process of drafting the plans under the fisheries legislation there is a draft plan and presumably later a plan. I do not know the exact details of the public consultation process, but I presume there will be such a process. I imagine it would be the point at which the plan becomes more than a draft plan. I would prefer to see the EPA able to comment on draft plans, because the earlier the better. Rather than having everyone else comment, making the draft into a final form, and then having the EPA coming in at the last minute to make its comments, it would be far more useful to allow the EPA to come in at the draft stage. If the problem that needs resolving across all aspects of government legislation is whether what is being considered is a draft plan, that will need an amendment to the EPA Act. There is no question of that. In the short term, if the problem is whether it is a draft plan or a plan, I have not looked closely enough at the legislation to determine whether different sections of this Act would still allow the EPA to intervene if it were the decision of the court. The Minister may be able to comment on that.

I was interested that the EPA indicated it was keen to draw up a memorandum of understanding with the Fisheries Department similar to the one it has drawn up with the Department of Minerals and Energy, which would make clear the levels of assessment of different activities in different fishing zones. Such a joint agreement between the two agencies would make quite clear to everybody which sorts of activities would require formal assessment. I understand the EPA is of the view that pipelines, drilling production and seismic activity would require formal assessment, particularly if any of them were to occur within the conservation estate. If they were to occur outside the conservation estate but within the fish habitat protection zones, the EPA is of the view that production drilling and so on would still require formal assessment by the EPA. That is a good idea; the memorandum of understanding with the Department of Minerals and Energy has been very successful in making clear to all the parties involved just what level of assessment will be required for different kinds of mining projects.

Mr House: Were you at the briefing that the member for Fremantle attended?

Mrs HENDERSON: Yes.

Mr House: Obviously you are putting forward a view that the EPA can understand and respect, but have you talked to the EPA about the suggestion for the Bill?

Mrs HENDERSON: Its representatives were at the briefing.

Mr House: Did you talk to them specifically about what they wanted and about the sorts of responsibilities you are asking them to take on?

Mrs HENDERSON: They indicated to us that their hope and expectation for this area was the sort of joint memorandum they had with the Department of Minerals and Energy, and that such a memorandum could be drawn up. I would support that. My knowledge of the Mines Department's memorandum is that it works well.

Mr House: That is different from overriding legislation.

Mrs HENDERSON: That is different from the issue I raised about the capacity of the Environmental Protection Authority to come in and assess. The EPA should be able to assess. This will make clear to everyone involved in the industry what sorts of activities will be assessed formally and at what level of the EPA assessment different things will be assessed. It will mean that everyone will know exactly where they stand on a proposal. They are two different issues.

The draft management plans for fish habitat protection areas have not been considered in relation to this memorandum. I understand that the EPA wishes to set it up, but currently it does not exist. My main concern is that the EPA should have the ability to assess the draft plans. It should not be done as a matter of course, but if it wishes to assess a particular draft plan for a fish habitat protection area it should be able to do that.

Mr McGinty: I refer the Minister to the EPA's bulletin titled, "Protection of the Marine Environment" which was issued in April 1993. In respect of environmentally sensitive marine environments it spells out the level of assessment to be applied according to the nature of the reserve. The fish habitat protection areas would most likely come under the category of environmentally sensitive areas and that would determine the level of assessment that would be applied. The member for Thornlie is saying that in respect of all marine reserves or areas set aside the EPA should have a document like this so that everyone is aware of the level of assessment they will engage in, in relation to both CALM and the Fisheries Department, in the fish habitat protection areas.

Mrs HENDERSON: They are the only issues I wanted to raise at this stage of the debate and I look forward to the Minister's response.

MR BLOFFWITCH (Geraldton) [5.43 pm]: The Fish Resources Management Bill sets out in detail the functions of the Rock Lobster Industry Advisory Committee. Geraldton is the centre of the rock lobster industry in Australia and the Abrolhos brand of rock lobster, which is known far and wide and has an excellent reputation in Japan, receives a premium price on the Western Australian market. The principal Act to which this Bill relates was proclaimed in 1905 and there is a need for new legislation.

The Minister for Fisheries is aware of my concern that the advisory committee should be democratically constituted. Fishermen will vote to elect people to this committee. The response I receive depends on the group of fishermen I talk to - they always say they are under the Minister's thumb or are influenced by a particular group. The appointment of people to the committee via the various associations would resolve many of the concerns that have been raised. That is not proposed by this Bill and I ask the Minister to keep it in mind when he assesses the operations of the advisory committee to determine its success or otherwise.

This legislation still includes the onerous powers given to fisheries inspectors and that is vital. I have examined the provisions dealing with the power inspectors have to force entry, search and arrest and these are important powers when one considers the devious methods which are used to overcome the restrictions which are in force during the off-season. The inspectors need these powers and my investigations reveal that they should continue to have them. The strengths in the existing legislation should not be taken away from these officers.

I note the bag and catch limits that will be put in place. I am sure that amateur fishermen will acknowledge it is a positive step forward. The Ningaloo Reef has been mentioned separately in reference to bag limits.

The Abrolhos area has been declared a reserve and I ask the Minister to give consideration to the future of the set line fishermen who have operated there for many years. This provision will prevent them taking fish out of this area. It does not involve hundreds of set line fishermen, and they act responsibly. They do not use the old set lines which were left out for days. Their lines are tended on a regular basis, even during the strong southerlies to which this area is subjected.

I commend the changes brought about by this legislation and I advise the Minister that from the conversations I have had with fishermen in my area they are pleased with the

consultative process that took place and the fact that a Green Paper was put out for discussion. Members have been kept up to date with this legislation and the Minister has been very frank in discussions on it. I support the legislation and commend the work done by the Fisheries Department.

MR McNEE (Moore - Parliamentary Secretary) [5.47 pm]: The fishermen in my electorate are very happy with this legislation. Obviously, some aspects of it have been hotly debated, but a reasonable solution was arrived at in each case. As the member for Geraldton said, the principal Act to which this Bill relates was proclaimed in 1905. The rewriting of the legislation was a major task.

Mr Pendal: Did you speak in that debate?

Mr McNEE: Sometimes I feel as though I did. I only hope I am not around when the legislation is again rewritten!

The Government and the Minister for Fisheries have done a good job, particularly with the release of the Green Paper. We have come a long way and there has been a great deal of discussion since that paper was released, and an amicable agreement has been reached.

The question of people being democratically elected to positions is often raised. I am involved in the wheat industry and at a meeting I attended recently people were talking about that issue. I am not sure what is the answer to achieving that end. Everyone wants to have a say. It is not a case of the members on committees representing a specific association - many people want to serve on committees. The long and short of it is that we can only aim to do that which serves the purpose of the people involved. I support the Bill and I am pleased with the amount of dialogue that went on. Certainly, as we proceed there will be issues that must be attended to but that is part and parcel of any industry. It is my pleasure to support the Bill.

MR HOUSE (Stirling - Minister for Fisheries) [5.50 pm]: I understand a number of members, including the opposition spokesman on fisheries, have made an arrangement with regard to this debate. Therefore, it would be preferable to continue my remarks after the dinner suspension.

Sitting suspended from 5.51 to 7.30 pm

Mr HOUSE: I convey my thanks to the opposition spokesman on fisheries who spoke on this legislation last week and indicated the Opposition would support the legislation in principle, albeit with a number of queries and one or two proposed amendments. The Bill was given broad support by the member for Fremantle in his capacity as opposition spokesman on fisheries and, indeed, it received broad support from all members who spoke in the debate, although they had some queries. I hope I can address those queries both in my reply to the second reading debate and at the Committee stage when we talk about the details.

This is a major rewrite of an important piece of legislation, and it has taken a great deal of consultation, argument and debate over many hours to bring the Bill to the Parliament in its present form. Considering that the Bill deals with a major primary industry that returns a great deal of wealth to the State and creates many jobs - and will continue to do so for many years - it is not surprising that the discussions and, sometimes, arguments took place. It is a credit to all the people involved in the discussions that this major legislation is in such a form that only three or four major queries have been raised. The Bill was originally published as a Green Paper in November last year. This enabled the Government to distribute it to industry for further discussion and refinement, receive advice from people involved in the industry, and then involve opposition members and government members. That process has ensured the legislation is good. This is the first time we have used a Green Paper in this State and the result is evident. It has allowed people to be properly involved in the making of legislation which protects and enhances a major resource in this State.

The member for Fremantle raised a number of queries which I will address one by one. He began by talking about the rock lobster package introduced last year, and indicated his support in principle for that package and the way it has worked over the last season. I

am very pleased to have that support, because at the time vigorous debate took place between many rock lobster fishermen and others involved in the industry, including processors, and there was much opposition to it. I was confident that, because we had been through the proper process of obtaining advice from the right people and debating the issue up and down the coast with the fishermen, by and large it would work and would eventually be accepted by the vast majority of fishermen. That has been the case. This year the industry is worth $300m to Western Australia, so it is a resource and industry that must be protected as much as possible and managed in a very positive way. There will always be debate, and possibly some argument, among the fishermen because there are 640 boats in that fishery, but all the people who take part in that debate do so with the best of intentions. The intention is to have a good and viable industry, and that has been achieved. The member for Fremantle indicated a bipartisan approach to all fisheries issues. I welcome that and, as Minister, I have tried to make sure I have included all possible people in discussions about changes to the industry so that we can protect the resource in a positive way. I thank the member for Fremantle for allowing the five Bills to be debated in a cognate debate. It is a sensible arrangement and has allowed us to proceed with the legislation in a positive way.

There is a lot of public information nowadays about fisheries and fish stocks around the world. The frightening aspect of the stories one reads and of the actions governments must take, is that usually inaction eventually leads to the need for dramatic action to try to save the fisheries. In many cases those fisheries are not saved. There is no question that in general around the world many fish stocks are being overfished, and often Governments have not been prepared to make the hard decisions about protecting those stocks. I am pleased to say that has not generally been the case in Western Australia. We have made the hard decisions in this State and I refer not just to the past 18 months of this Government. For the past 20-odd years Ministers of both coalition and Labor persuasions have made decisions that were very tough, in the face of opposition. However, those decisions have led to a very well managed fishery that will continue to provide wealth and jobs for this economy in the future.

Those tough decisions must continue to be made, because there will be no easy path to managing fisheries. A great deal of discussion will always occur. The Western Australian Fisheries Department comprises good and competent scientific staff. The Western Australian Fishing Industry Council provides a structure for debate among the stakeholders in the industry. It is important that we encourage that to continue. Although we may not always agree, it is important that we thrash out those issues in the open with the best interests of the industry at heart. It is the Government's responsibility to ensure that any decision is in the best interests of protecting the fish stocks. That is very important.

The member for Fremantle raised the issue of compensation that may be payable if a fishing licence is not renewed. I have indicated in writing to the Western Australian Fishing Industry Council that I am prepared to discuss those issues further with the industry. However, I am not prepared to incorporate those sorts of words into the legislation. We have not thoroughly canvassed the implications of that. It would create a situation that would impose a responsibility on the Government that is not fair and reasonable at this time. An argument in the community is that fishermen make a living from a natural resource under licence from the Government - just as timber is a natural resource - but if that resource is depleted by overfishing and the Government withdraws a licence to fish, society does not have a responsibility to use taxpayers' money to compensate fishermen for that withdrawal. I stress that I am not saying that I adhere to that argument, but that is one of the views put forward. We need further debate within the industry about that issue.

Advice from the Crown Solicitor's Office is that this legislation does not take away any of the rights that were previously given to fishermen under the old legislation. That is very important, because some members of Parliament will remember that at the time we released the Green Paper this clause was different from that in the White Paper. We went back to the industry through the Western Australian Fishing Industry Council and some

of its associated bodies, and they wanted the clause changed. Fairly broad agreement has been reached about the words in the legislation. We need further debate on the implications of what will occur if we change those words. We are not changing anything in the current legislation to the detriment of the fishermen, and I am happy to provide the opposition spokesman with a copy of a letter I received from the Crown Solicitor's Office which details the questions we put to him on this clause to ensure it was absolutely correct. Consultation will always occur with the fishermen and their representative bodies on changes to policy guidelines for specific fisheries; that is part of the management plans. As I outlined in my earlier remarks, that is the very basis of our management strategy, and the strength on which we have built good fisheries in Western Australia. Although sometimes there is disagreement, by and large a consensus is reached at the end of that process. I do not imagine that will ever change. I encourage it, as I am sure will future Ministers for Fisheries.

Speakers touched on the fisheries adjustment scheme; that is the resource allocation issue. For some time we have had in place a buy-back scheme for some fisheries which we believed were overfished or when for some other reason licences were taken out of some fisheries. That has been a matching dollar for dollar scheme with the industry and the Government. The Government has recognised that it needed to reduce that effort. I have encouraged that. It is largely accepted by people across the State that a case can be made in some estuaries and rivers for an adjustment to remove some of the professional effort in order to allocate some of that resource to the amateur fishing industry. There will always be a case for professional fishermen to fish in estuaries. Not everybody is an amateur fisherman, and we need to allow people to buy fish from professional fishermen. Adjustment schemes will always be worked through with the industry to ensure that a fishing resource will be better allocated or allocated in a different way.

The member for Fremantle also touched on the promotional industry training fund, which we will debate during Committee. The Western Australian Fishing Industry Council and I disagree on this. The general view held by WAFIC is that the Government should use its legislative power to raise money from fishermen and that that money should be given to WAFIC to apply to the promotion fund for which it was raised. The Government of the day would be at the sharp end of what would certainly be criticism from some sections of the community, because it is unlikely we will get 100 per cent consensus. As a government we should be able to have some say in how those funds are expended. That is not to say that a Minister would not provide the funds to WAFIC, but the Minister should have some say in the allocation of those funds. Promoting an industry is very important, and I support the concept in all industries, but I do not think we should use legislative power to do that and then remove from the Government all responsibility in that decision making process.

The issue of the access and rights of Aboriginal people was raised by the member for Northern Rivers. It was raised by a couple of other people too, and privately the member for Kimberley also raised it with me at some length. With this legislation we have simply applied to Aboriginal people the same rules for catch limits and gear restrictions - that is, length, nets and size - as are applied to others within the community. In many instances Aboriginal people must comply with the rules with which other people must comply now. For example, Aborigines are not allowed to use dynamite on reefs to catch fish, in the same way as other people are not allowed. An exception at the moment is that Aboriginal people are able to catch as many marron as they like for their own use. They are not allowed to sell their catch. In many of those fisheries we are now trying to protect the marron stock. In my view there is no reason Aboriginal people should not comply with that requirement as do other people within the community. We have not taken away traditional rights of Aborigines in the northern areas to any extent; we have simply applied what we think is a reasonable and responsible position that is accepted by others within the community. The changes are to make sure that Aboriginal people comply with the bag limits and the gear restrictions with regard to nets, size and length that are applicable to others.

The issue of the Mining Act and the petroleum Acts was raised by a couple of members,

particularly the member for Thornlie who went to some length to express her concern that this fisheries legislation may provide the ability to overrule the Environmental Protection Authority and prevent the EPA from being able to take its proper and responsible position of protecting the environment. That is not the case. In all situations the Environmental Protection Authority would be able to invoke its powers if it believed damage would be created to the environment.

The member for Thornlie also raised the issue of the EPA having the right to become involved in fisheries management issues. That is a completely different situation. Although I understand what she is saying, if people were to accept that argument, they would take away the right of the Fisheries Department to manage, and would give the last say to the EPA. We have a very good track record of fisheries management in Western Australia; I do not believe anybody could point to a fishery in Western Australia and say that it was badly managed and that if the EPA had been allowed to make the final determination about its management, anything would have changed. The Fisheries Department would take into account all of the considerations that the EPA takes into account. It would seem to me to be a doubling up of resources and a waste to allow the EPA to become involved in making decisions about fisheries management.

I acknowledge the right of the EPA to step in where the environment might be at threat, and I repeat that there is no question that it can and will be able to do that under this new legislation, as has been the case in the past. I do not think we need another department to look over the shoulder of the Fisheries Department about normal fisheries management issues. The EPA does a very good job; but so does the Fisheries Department and it just is not necessary to duplicate that effort. The Fisheries Department works very closely with a lot of authorities when decisions are made about issues that affect the environment. Nobody in this day and age works in isolation. There must be a lot of consensus and agreement about how to proceed with those issues, otherwise a project just does not proceed. These days we go through an accountability process, right down to questions in this Parliament, to ensure that we look after the environment. Everybody would agree that we try to do that in a most responsible way. We cannot make the EPA into a mini-fisheries department.

The member for Northern Rivers also raised the issue of buyback schemes, and I think I have covered all of the points he made. The member for Geraldton raised the issue of the Rock Lobster Industry Advisory Committee and said that he could probably make a case for electing the committee.

Mr Bloffwitch: Or part of it.

Mr HOUSE: Yes. This legislation allows the Minister to make a determination about electing part of that committee. Those people are required to make some tough decisions. We have seen quite a change in that committee in the past 12 months. Some of the members had been there for quite a while and wanted to retire and new people were brought in. When we talk to them now, they acknowledge that the decisions that they must make are tough. It would be very difficult to conduct an election for those positions and it would make it difficult for the RLIAC members to do their job properly. Not many people would put up their hands to do the job. It is quite difficult for people to go back to their community members and tell them that the committee has made a recommendation to the Minister to take away 20 per cent of their pots or not to allow the fishing community to do the things that it wants to do. Another practical problem is how to determine the criteria for election to that sort of committee. That debate will go on within the industry for a while. Questions would be raised if board members were elected. For example, do we allow those with 100 pots to have more votes than those with only 60 pots? If so, will those people make a decision that favours the larger fishermen more than the smaller fishermen?

Mr Bloffwitch: They do now, I imagine, depending on where they come from.

Mr HOUSE: When we have the ability to select people, the Minister can ensure that that selection process includes a representative of small fishermen as well as one for large fishing organisations or someone from a different area, and a better balance can be

achieved on the committee. These days committees need some expertise, particularly when decisions in the fishing industry are being made. One of the things we lack in the Fisheries Department is good economic information. One of the interesting things that has come out of this year's reduced lobster catch is that the price for rock lobster went up considerably. Although the fishermen caught less, they got much more money in their pockets. I would not be game enough to claim that all of that was due to the package we introduced that restricted the catch slightly. However, it may have been part of the reason. We do not have the economic expertise to either claim or disclaim that. We should have, and need to have, that expertise. Receiving a better price for the product is better than taking too many fish from the sea to make a living. It is important to look at that.

The member for Geraldton also raised the issue of fisheries inspectors' powers. I agree with him. It is necessary that those powers are continued in a positive way. We are very careful about how those powers are exercised. The department is always conscious of making sure we do not overstep the mark, and that our fisheries inspectors know what are their jobs and responsibilities. A scheme of voluntary inspectors has been implemented in the past year which has been expanded across Western Australia and has been very well received. The aim of that scheme is to educate people to cooperate about issues such as bag limits and size of fish rather than adopting a big stick type of approach.

The member for Geraldton also raised the issue of the Abrolhos Islands, which are a very important part of the rock lobster fishing industry. A prolific rock lobster catch occurs in these waters off the west coast, and it is important that the area be protected in a positive way. The member for Geraldton is aware of the pressures on us to increase tourism to the islands, and to permit overnight stays. All those things must be considered in the context of the worth of that fishery. The Abrolhos Islands consultative committee will be dealing with some of those problems over the next few months.

Mr Bloffwitch: The Minister's decision regarding the reserve will go a long way towards doing that. It is a positive step.

Mr HOUSE: The member for Moore has expressed his support for the legislation and indicated that the Green Paper was a process by which the Bill came to the Parliament in that it created less dissension than might have occurred if it had been brought in and debated here. I agree with him and thank him for his support.

This legislation was instigated by my predecessor, Hon Gordon Hill, who is no longer a member of this place. I place on record that Gordon Hill played a large part in the genesis of this legislation. He worked very hard to get the basic principles right. It is fair to say, without putting words into his mouth, that before he left here he supported the legislation and indicated to me it would receive the broad support of the Opposition.

I also thank all those people who have worked very hard on these Bills. This is a major piece of legislation and there would be major ramifications if we got it wrong, and I am sure we have not. I give credit to the people in the Fisheries Department and Peter Rogers, the Director of Fisheries, who led the team; and to John Patterson from the Department of Agriculture, who helped finalise the legislation. I also thank the Western Australian Fishing Industry Council, which represents the fishermen of this State. That organisation has been part of the process of this legislation and the consultation which occurred, and has borne the brunt of the complaints from fishermen in bringing issues to me to resolve while putting the legislation together. I thank Brett McCullum and his team at WAFIC for the great job that has been done. While we have not agreed on every piece of legislation, it has been a very good and cooperative effort. I also mention John Cole, the chairman of WAFIC, who has helped significantly in preparing this legislation. Finally, I thank my staff, who have put a lot of effort into this legislation. Once again, they are at the sharp end of the complaints by fishermen about various issues, and have worked very hard to make sure that as many of those views have been accommodated as possible. This is a good piece of legislation. There may not be absolute and total agreement by everybody, but it has as much consensus as one could possibly achieve for a major piece of legislation such as this, and it will be generally well received by the

fishing community. I thank all those members who have spoken on this Bill and indicated their support.

The SPEAKER: The question is that the Fish Resources Management Bill be now read a second time.

Question put and passed.

Bill read a second time.

FISH RESOURCES MANAGEMENT BILL

Committee

The Deputy Chairman of Committees (Mr Day) in the Chair; Mr House (Minister for Fisheries) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Application of Act to Aboriginal persons -

Mr McGINTY: Clause 6 of the Bill effects a significant change in the application of the Fisheries Act regarding Aboriginal people. Clause 6 provides -

> An Aboriginal person is not required to hold a recreational fishing licence to the extent that the person takes fish from any waters in accordance with continuing Aboriginal tradition if the fish are taken for the purposes of the person or his or her family and not for a commercial purpose.

That is to be contrasted with the current section 56 of the Fisheries Act, which clause 6 is intended to replace. The current section 56 provides -

> . . . a person of Aboriginal descent may take in any waters and by any means sufficient fish for food for himself and his family, but not for sale.

The effect of clause 6, when contrasted with the old section, is to apply an additional burden upon Aboriginal people in this State. The additional burden is in relation to bag limits. No bag limits previously applied to Aboriginal people. Now all bag limits apply to Aboriginal people.

Another significant change this legislation will bring about concerning Aboriginal people is the introduction of gear restrictions. Gear restrictions for fisheries purposes are provided either by notice or by regulation, and those prescribed by notice apply to Aborigines. Requirements such as closed waters, types of gear, escape hatches, undersized fish, the use of poisons and explosions, because they are prescribed by notice, apply equally to Aboriginal and non-Aboriginal people. However, gear requirements prescribed by regulation do not apply to Aboriginal people, and the number of craypots that an Aborigine may use for recreational purposes is unlimited. There is no prohibition on Aboriginal people catching berried female crays, or on the marking of nets and things of that nature. Therefore, this is a significant additional impost on Aboriginal people. What is the extent of the additional burdens being imposed on Aboriginal people? Are greater burdens than those I have been able to detect contained in the new extension of the fisheries regulation to persons of Aboriginal descent?

The Minister said that Aboriginal people in the south west can catch as many marron as they like and that caused difficulties between Aboriginal and non-Aboriginal people. Will the restrictions imposed on Aboriginal people in some of the remote coastal communities in the northern parts of the State - I am thinking particularly of people in the Kimberley region, but perhaps also further down around Shark Bay and Carnarvon - make unlawful customary practices such as taking catches for the Aboriginal community as distinct from the family, which is currently prescribed in the legislation? It has been traditional for a number of coastal communities in the north of the State to catch for the whole community. How is that covered by this Bill?

The other issue which raises its head is the decision which is currently being debated before the High Court of Australia; that is, Aboriginal rights resulting from the decision

by the High Court in the Mabo cases and whether the legislation amounts to an extinguishment of property rights of Aboriginal people. If this represents an incursion on those rights, particularly if, as I believe is most likely, the High Court finds that the Western Australian anti-Mabo legislation is unconstitutional, where will that leave the new fisheries legislation?

Mr BRIDGE: The most worrying feature of this legislation from an Aboriginal perspective is the imposition of bag limits. Aboriginal groups have told me that, traditionally, Aboriginal people share the fish they catch and other goods which they eat. An elderly person, for instance, in a community or a town may be a regular beneficiary of fish that has been caught by an able bodied person, or a person with a disability may not be able to fish for himself but may be supplied regularly by someone else. That tradition is now under threat by the bag limit provisions of this legislation. Countless Aboriginal people share their catch with less able people. That seems less likely to happen under this legislation.

Aboriginal people have also asked me to raise in this debate their concerns about the consultative process in the preparation of this Bill. My response has been that I understand that the Aboriginal Affairs Planning Authority has given guidance and advice to the Minister and his officers throughout that process. However, people have said that although that may be the case, consultation should have occurred beyond the AAPA because not everybody has access to the AAPA and it does not have access to many Aboriginal people. The people believe, therefore, that the consultation process is deficient. How does the Minister feel about that argument?

Many of the practices with which this Bill deals are longstanding; they have been in place for countless years. We often seek to change the laws that have been in place for a long time because we believe we can introduce better laws. However, sometimes that is wrong because many laws were put in place for very good reason and have stood the test of time. We must be very careful about changing powers that have been in place since the turn of the century just because we believe that change will be for the better. Almost on a daily basis we hear that we should assess penalties and laws regarding police and other areas; the claim is that they are out of date. I have strong reservations about whether such claims are in the best interests of the community. My experience is that laws which have stood the test of countless years are usually strong laws which meet significant requirements.

The Minister must contemplate the importance of what might flow from the imposition of bag limits on Aboriginal people. This catch sharing process is not applied recklessly or unwisely, but for the benefit of fellow Aboriginal people. I am sure that the Aboriginal people who have raised this matter with me would be grateful if the Minister gave consideration to this aspect.

Mr LEAHY: The previous two speakers have covered these aspects well. However, a number of Aboriginal communities are within my electorate, of which I know one well in Carnarvon itself. About half a dozen or more Aboriginal people go fishing regularly on the banks south of Carnarvon and predominantly catch deep sea mullet in nets. It has been a tradition during the 12 years I have lived in Carnarvon that these people share their catch with other Aborigines. When they catch a few mullet, they dispense them among people in the village, usually pensioners. The bag limit will either kill or severely restrict the tradition.

In his response to the second reading debate the Minister spoke in support of the professional fishermen. He said that although most people fish, some people cannot fish and consequently buy fish caught by professional fishermen. I support the Minister's argument wholeheartedly. Nevertheless, he should take the argument one step further with Aboriginal people: Some pensioners are not in a position to buy fish due to inflated prices, and these people traditionally receive fish from other Aboriginal people. I have heard no argument against this tradition in my electorate, which has a strong professional and recreational fishing community. One sometimes hears around the hotels people say that benefits for Aboriginal people should apply to others. Nevertheless, this tradition of

sharing a catch has support in the community, except when it involves putting a fishery in danger. As the Minister indicated in his speech, the south west marron fishery may be in danger, and in such cases I can see an argument for applying a bag limit. However, such a limit should not apply in general terms to areas in the north west where long Aboriginal traditions remain.

The Minister said the fact that Aboriginal people are treated the same as everyone else will meet general acceptance; I have no doubt the Minister is right. We expect the laws to be the same for different people as long as it does not affect us personally; in that case we say, "Who cares?" The provisions regarding Aboriginal catches have been part of the Fisheries Act since 1905. The argument could then be taken one step further, and I do not say this facetiously: A veto for mining on farms could be removed, and generally people would say "Who cares?" The farmers would certainly care, and an uproar would occur. Strong feeling is evident in the Aboriginal community and concessions should continue to apply for Aboriginal people, particularly in remote areas where the non-application of bag limits does not impact on the professional and recreational fisheries.

Mr HOUSE: I certainly was not trying to say, member for Northern Rivers, that I do not care about the Aboriginal catch share tradition. I do not think the member was implying that I said that -

Mr Leahy: No.

Mr HOUSE: - but I understand his point about minority groups and the fact that we must be properly cognisant of their rights.

The issues raised by the member for Fremantle were that as species of fish were threatened in Western Australia, bag limits were placed on them. For example, the bag limit is 20 for table fish, such as bream, cobbler, leatherjacket, skipjack, snapper, and tailor, to mention just a few. For reef fish the limit is a mixed bag of eight for pink snapper, groper, norwest snapper and queen snapper. The limit for prize fish is a mixed bag of eight fish, and this applies to barramundi, coral trout, jewfish and mackerel. Therefore, we are not talking about severe restrictions. Each person fishing in a group can access that number of fish. We are not imposing what would be regarded as severe limitations on Aboriginal people. For example, if a group of Aboriginal people fish for bream in one of the southern rivers, each person can take 20 fish. Most people would acknowledge that that is a substantial number. One can take only four barramundi and eight fish with a mixture of species. With a group of people, that is still a large number of fish.

Regarding the member for Kimberley's specific concerns about Aboriginal communities, we can write a management plan in relation to traditional use in Aboriginal communities. We do that for other fisheries, and this allows Aboriginal people to go about their fishing habits in the same way as in the past. Such a plan is possible under this legislation. Therefore, we have a means of accommodating such communities who may live outside the metropolitan area. These people may take fish beyond the bag limits in, say, an estuary; therefore, Aboriginal people can be treated differently under the legislation. For example, as the member is undoubtedly aware, the Martu people are permitted to fish trochus shell under a management plan, and this takes into account the traditional habits and needs of that people.

Mr Bridge: Obviously that would apply in the Kimberley. Would that also apply at Carnarvon?

Mr HOUSE: We consulted the Kuwinywardu Aboriginal Resource Agency over this issue because we thought it was important that we obtain an example in that area. I do not want to put words into their mouths because I did not speak to them, but my advice is that there was broad agreement among those people about what we are trying to do. There is scope in clauses 50 and 51 to allow some flexibility in bag limits for different people, so we can apply that, if necessary, to extend the bag limit for Aboriginal people. Bag limits should apply to Aboriginal people when a fish stock is under threat. Since the previous legislation was written, modern methods are being used to catch fish, and

Aboriginal communities have boats with outboard motors, spear guns and other things which are accessible to other people. Also, we are able in the legislation to accommodate the individual views of Aboriginal groups if we need to. That is a responsible position; therefore, the legislation should stay as it is.

Mr McGINTY: In clause 6, an Aboriginal person is limited to the taking of fish for the purposes of the person or his or her family and not for a commercial purpose. It is obvious from what has been said by the members for Kimberley and Northern Rivers that more often than not, it is the community for which fish are taken. I am unaware of any suggestion having been made that modern technology in the hands of Aboriginal people is threatening the ongoing viability of a fishery. Does the capacity to have a management plan for an Aboriginal community arise under the management plan provisions of the Bill or under clauses 50 and 51, to which the Minister referred in regard to catch sizes? The basis for a management plan must relate to a particular fishery, and it seems to me that if it arises simply in regard to catch sizes, it is not really a provision dealing with a management plan for that fishery.

Mr House: My advice is that we can do it under both, which gives us the broadest possible interpretation for accommodating the views of an Aboriginal community.

Mr McGINTY: The Minister has indicated that we can have a management plan for an Aboriginal community, or an Aboriginal community licence, if I can put it that way. I would appreciate being able to go to various Aboriginal communities and say there is a commitment from the Minister that if a reasonable proposition is put forward, it will be done.

Mr House: I am happy to give that commitment.

Clause put and passed.

Clauses 7 to 32 put and passed.

Clause 33: Recreational Fishing Advisory Committee -

Mr McGINTY: In clause 6, an Aboriginal person is relieved of the obligation to obtain a recreational fishing licence if that person wishes to take fish in accordance with continuing Aboriginal tradition for the purpose of the person or his or her family and not for a commercial purpose. That is a limited concession. Because of that additional burden to be borne by Aboriginal people, I am somewhat disappointed that we have seen deleted from the green Bill that was put out for public discussion last December the proviso that there be a person on the Recreational Fishing Advisory Committee of Aboriginal descent and representing Aboriginal interests. Accordingly, I move -

Page 31, line 6 - To delete "13" and substitute "14".

Page 32, line 5 - To insert after the word "fishing" the following -

; and

(i) one is to be a person of Aboriginal descent appointed by the Minister who in the Minister's opinion represents the interests of Aboriginal people

In view of the points put tonight by the members for Kimberley and Northern Rivers, it would be only reasonable to include the proposition that a person of Aboriginal descent be represented on the Recreational Fishing Advisory Committee. Given the breadth of representation on that committee, I would be extremely surprised if the Minister had encountered any significant community opposition to that proposition. As the Bill is drafted, that committee will comprise the executive director of the department; six people appointed by the Minister in accordance with the prescribed procedure who represent regional recreational fishing interests; one person appointed by the Minister who represents the recreational fishing media; one person appointed by the Minister who represents the fishing tackle industry; one person appointed by the Minister who represents the Western Australian Recreational and Sportfishing Council; one person appointed by the Minister on the nomination of the peak industry body; one person

appointed by the Minister who represents the interests of the community; and one person appointed by the Minister who has an interest in recreational fishing issues but who in the Minister's opinion is independent of the department and has no commercial interest in recreational fishing. It appears it will be a very broadly based recreational fishing advisory committee. It will pick up on the various sections that can be said to have an interest in recreational fishing in Western Australia, except the group that is now to suffer the greatest incursion on their existing rights; that is, Aboriginal people. For those reasons, one step that the Minister can take to redress the additional impost that is now to be imposed on Aboriginal people as a result of the changes that this Bill will bring about, is to agree to the amendment.

To increase the committee from 13 to 14 members will do no damage to its operational effectiveness. Those of us who have been involved in committees over the years appreciate that the most effective committee is a small committee, particularly when it must make decisions and get on with the job. However, since we already have 13 people to be appointed to the committee, one additional person would not detract from its effectiveness. It is an advisory committee, and it is important that it receive advice from every available quarter and from people who are to be affected by its deliberations. One of the major functions of the advisory committee, in view of the changes so far as Aboriginal people are concerned, will be to monitor the effects of the Act on Aborigines and, if need be, to make recommendations regarding the Aboriginal community management plans referred to by the Minister - areas in which exemptions from the Act might be granted, and perhaps even amendments to the Act itself, because we are moving into an area where Aboriginal people have exercised traditional rights, perhaps more liberally in remote parts of the State than the legislation allows. We are dealing with reasonably tight legislation for Aboriginal people and it is an eminently reasonable proposition to put to the Minister. I urge him to accept the amendment.

Mr BRIDGE: I was satisfied with the way in which the Minister responded to matters raised by the Opposition in respect of this legislation. The basis upon which the Minister has put forward ways in which Aboriginal communities can go about certain things is a source of information that may be reasonably received by Aboriginal people. It is of comfort to us to obtain that information. I thank the Minister for understanding the issue, and the extent to which that part of the Act could have some significant impact on Aboriginal people.

A sympathetic approach to this amendment would be consistent with the approach taken by the Minister tonight. The legislation deals with something very close to Aboriginal people; that is, fishing and other matters. When the Minister was in opposition he said that when dealing with farming matters it was very important that farmers should have a powerful influence on the Minister. I agreed with him. People say that; truck drivers say that and shearers say that. All sections of society think that when matters impact upon them there is legitimate argument to advocate the presence of someone identifying with the process. It would be in the interests of the Minister and in the interests of good dialogue to have an Aboriginal person appointed to the advisory committee. For those reasons, I support the member for Fremantle. I ask the Minister to consider the amendment in that context. I am sure that much more positive results will be achieved by adopting a policy to have appropriate advice and input to the advisory committee.

Mr HOUSE: This legislation will establish a recreational fishing advisory committee. Currently, no such legislation exists. We have been operating under an advisory committee which was established some time ago; that committee has had no Aboriginal representation. The proposed advisory committee will comprise 13 representatives. The Minister has the ability to appoint a number of people. I would have preferred that the member not move his amendment before we had a chance to debate the matter, but I am prepared to give a commitment to the member for Fremantle that one of the people I appoint will be of Aboriginal descent. I am a little reluctant at this stage to embody that provision in the legislation. The member is aware that commitments given at this stage of the proceedings are binding commitments. I would not seek to go outside that tradition. I am reluctant to embody the provision in the legislation for no other reason

than that the principles contained in the legislation apply to everybody, not just to one section of the community. I hope that the member is prepared to accept that I will appoint a person of Aboriginal descent under the clause that allows me to appoint people. It is stated that six of the 13 appointees are to be persons nominated by the Minister in accordance with prescribed procedures who represent regional recreational fishing. As the member for Kimberley has pointed out, a large section of the Aboriginal population are recreational fishermen; so I am prepared to give that undertaking to the Committee.

Mr McGINTY: I am disappointed with the response by the Minister, and his indication that he will vote against this amendment. That is unfortunate because I hoped that we would be able to go through this legislation in a more cooperative way. The Minister has not addressed the point I put to him. In his draft Bill he provided expressly for Aboriginal representation. I put to him the question of whether there had been strong community opposition to the inclusion of a person of Aboriginal descent on the committee. That question remains unanswered. The situation then becomes that an Aboriginal person should be on the committee because of the significant additional imposts on Aboriginal communities in Western Australia. I imagine that it will be one of the significant functions of the committee to advise of any alterations in respect of the operation of recreational fishing. The only way in which people can walk away from what we have here with any sense that an accommodation has been arrived at - as there has been in most other sections of the Bill, except in respect of the question of Aboriginal people - would be by accommodating the view put forward in the amendment. That is the appropriate course for the Minister to adopt. The Minister said that the principles in the Bill apply to everyone regardless of race. That is not the case. Clause 6 is a statement that Aboriginal people are not required to have recreational fishing licences. In addition the Bill has a different operational effect on Aboriginal people. For the first time it imposes on them burdens that were not previously on Aboriginal people, but which were on non-Aboriginal people. It is within the Minister's power to agree to this proposal. If it was such a radical proposal it would not have been in the green copy of the Bill submitted for public discussion only recently. I am not aware of why it was deleted from the green Bill, but it should be reinstated as a sign of goodwill in view of the additional burdens that will be imposed on Aboriginal people.

Even at this late hour, notwithstanding the point of view put to the Minister and notwithstanding that he has indicated some sympathy for our proposition and said that he will appoint an Aboriginal person, I ask him to reconsider and agree to the amendment. The reason it is important we not accept an appointment by this Minister of an Aboriginal person is that it will not be long lasting. However, I am quite certain that when the recreational fishing advisory committee is appointed the Minister will do what he said to the Chamber he would do. I was very disappointed when I was the Minister for Housing because, although approximately 20 per cent of Homeswest tenants in this State were persons of Aboriginal descent, notwithstanding they made up only 2.5 per cent of the population, an Aboriginal person was not on the board of Homeswest. That was to the shame of the then Government. I am pleased to see an Aboriginal person has now been appointed to the board of Homeswest. However, there is no guarantee that will continue. The only way to ensure the interests of Aboriginal people are protected in the longer term is to accept the amendment. Perhaps we will always need a person of Aboriginal descent on this committee as long as they are treated somewhat differently by the legislation. I make one final plea to the Minister to reconsider his view on this matter.

Mr BRIDGE: The Minister's assurances to the House tonight are very reassuring to me personally. I have no doubt that every serious commitment and contemplation would be made by the Minister to ensure that an Aboriginal person was appointed under that section of the Act. During debate on this Bill tonight certain areas have been highlighted by the Opposition because of very genuine concerns on its part about those aspects. The member for Fremantle has put forward a logical argument in support of not just being satisfied with the Minister's very strong commitment to appoint an Aboriginal member to the board, but also having it enshrined in legislation. I therefore ask that the Minister reassess his position on this plea by the member for Fremantle.

At times in the past, although the Minister has not been prepared to agree to an amendment, he has agreed to consider an amendment being inserted at a later stage of a Bill's progress through the Parliament. If the Minister is able to reassess his position and agree to this amendment, it will be very worthwhile. If on the other hand there are some administrative or procedural reasons that preclude him from making that decision now, he may be prepared to consider it in the context of how we see its importance and accept the amendment at a later stage.

Mr HOUSE: Given the very eloquent plea by my friend the member for Kimberley, the Government is prepared to accept this amendment. I have debated this in my own mind a number of times. My original view was that the Aboriginal people could be accommodated by ministerial appointment and a commitment from me that that would be the case. However, I understand from what the member for Kimberley and the member for Fremantle are saying, that although they would accept that undertaking, there is a need, because of the other changes in the legislation, to acknowledge in a more specific way the Aboriginal recreational fishing community.

Mr McGINTY: I place on record my appreciation of the most conciliatory move adopted by the Minister. I thought he was about to behave quite uncharacteristically.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 to 53 put and passed.

Clause 54: Determination of management plan -

Mr McGINTY: During the second reading debate on this matter, considerable attention focused on the importance of management plans as far as fishermen were concerned. It was the management plan that gave rise to the interests of the fishermen and the licences they hold and to the power of the Minister to deprive a fisherman of his property and licence and, therefore, his livelihood. The Opposition and the industry are concerned that the effect of the amendment of a management plan might well be to diminish the interests held by a fisherman in his licence to fish. Under clause 70 of the Bill quite clearly the Minister has the power to amend or revoke a management plan and take away the fisherman's livelihood and the investment he has in his licence to operate in that fishery.

I am aware that significant discussions have been held within the industry about this matter. The peak body for the industry, the WA Fishing Industry Council, put forward to the Minister proposed amendments to clause 54 which would protect the interests of fishermen in this matter. Basically, those amendments would limit the power of the Minister to amend or revoke a management plan, firstly, in the case of an amendment to a management plan which in the Minister's opinion would have the effect of assisting in ensuring that the exploitation of fish resources was carried out in a sustainable manner; or secondly, to foster the development of the commercial fishing activities being carried out under the management plan, or control foreign interests in commercial fishing and associated industries. The WA Fishing Industry Council was seeking to limit the power of the Minister to amend the management plans so as to achieve certain stated objectives only; to take away the power of the Minister to capriciously amend a management plan and, therefore, impact adversely on the livelihood and investment the fishermen have in their industry.

The proposal from the WA Fishing Industry Council went somewhat further. It referred to the revocation of a management plan which would destroy the interest of a fisherman in that fishery. That would be on the basis of the application of the voluntary fisheries adjustment scheme or the compulsory fisheries adjustment scheme so that those fishermen who had the necessary authorisation to fish in a certain fishery were fairly compensated for any reduction in the size of the fishery as a result of the decision of the Minister. The reason I want to touch on this matter at some length is that during the course of the second reading debate I referred to the correspondence between the WA Fishing Industry Council and me in which the council indicated the nature of the commitment given by the Minister. I would like an affirmation, for the public record, of

the commitment given by the Minister so that the industry, which believes it has a commitment from the Minister, can proceed with some certainty about the nature of the undertaking that would be required from it. It is important to place on record the concerns of the fishing industry in Western Australia. A letter to me from the WA Fishing Industry Council dated 21 September 1994 states -

> The section dealing with the issue of revocation of a management plan (S54) creates the opportunity for the management plan, which gives life to the fishing access licence, to be cancelled without the necessity to replace the management plan, or if a replacement management plan is to be established, does not have to include the licensees from the original plan nor requires compensation to be paid to a licence holder for his loss of access in either case.
>
> We are also concerned that there is no provision for the compensation for licence holders for loss of rights under their access arrangements for certain decisions by the Minister other than revocation of the management plan.
>
> We have discussed these matters at length with the Minister and the Fisheries Department and whilst we differ in legal opinion, we agree with them that the issue is complex at law and needs to be reviewed and considered carefully. This issue of recognition of the proprietary nature in the access right to fisheries remains at the cutting edge of fisheries management worldwide.
>
> To this end the Minister has agreed to establish a study to carryout a comprehensive review process on this section of the Bill with a view to seeking an agreed position by all parties and possible amendments to the Act. The establishment of the study will in fact fulfil an election policy commitment of the Coalition parties presented to WAFIC in 1992 by Mr Cash, the Shadow spokesman at the time.

Will the Minister confirm that that commitment is still valid and will be honoured by the Minister on the passage of this legislation? There is concern in the industry, as there is in a number of industries in this State which operate by licence, about that matter. Other industries in which I have had some dealing where comparable issues are raised are the timber industry and, because of the legislation before the upper House today, the taxi industry - where people have worked their life in an industry and have acquired a very valuable asset; for example, the fishing licence. That is their investment and their superannuation, and they want to be able to rely on that. To a large degree this legislation accommodates that point of view by providing for a register which will record interests in fishing licences and by providing that the interest in the licence can be used as security.

However, the step that places all of that in potential jeopardy is this clause 54 with its consequential effect in clause 70 which, if the Minister revokes a management plan, will have the effect of cancelling the licences and rendering of no value the licences that were previously held. For instance, in the case of the crayfishing industry, with which I am sure most members in this place are somewhat familiar, most crayfishermen have investments well in excess of $1m. It would cause outrage in the community if the Minister exercised that power to revoke, other than for clearly understood reasons of the nature that were spelt out in the proposed amendment which the Minister and the department have been discussing with the WA Fishing Industry Council. I suspect that in a sense there is a constraint on the Minister exercising that power. I suspect also that at law it is not a power that can be exercised capriciously by the Minister for anything other than good reason.

Under the Australian Constitution the acquisition of property must be on just terms. However, the Western Australian Constitution does not contain such a provision. It is doubtful whether property would be acquired by the Commonwealth, or if there were such provision in the state Constitution, by the State, as a result of the revocation of a fishing management plan and, therefore, of the interest in the licence. It is well established, whether it be in the commonwealth area or in the State, that property should not be acquired other than on just terms. We know that for the purposes of stamp duty

legislation fishing licences are regarded as property and, therefore, stamp duty is able to be levied against any transfer of those licences. It is a question of some sensitivity in the industry and one about which significant negotiations have been held between the Minister and the industry. The industry has indicated to me, and I am sure also to the Minister, that this most contentious aspect of the Bill is not acceptable but will be acceptable if the Minister is prepared to give an undertaking along the lines of that contained in the letter from WAFIC. I ask the Minister to give that commitment.

Mr HOUSE: This clause has been the subject of much discussion within the fishing industry. I acknowledge some of the concerns that have been expressed. WAFIC wrote to me in terms similar to those in which it wrote to the member for Fremantle. In my reply to it some days ago I stated -

> Your suggested amendments to the Bill to deal with the points raised in relation to the effect of revocation management plans was referred to the Crown Solicitor for an opinion.
>
> This opinion confirms the view - expressed to you previously - that the amendments, if made, would endow authorisations (licences issued out of management plans) with the feature of permanence, enhancing the licence's proprietary characteristics and removing the discretions provided in clause 54(2) and distorting the scheme of the Bill.
>
> Given this, it is my preference to proceed with the Bill in its current form. As advised previously however I am happy to continue to discuss this issue with industry over the next twelve months.

I am happy to give the undertaking to this Committee and to the member for Fremantle that those discussions will continue and I will take whatever advice is necessary. There are two aspects of that. In my speech to the Chamber earlier today in summing up this legislation I made the point about fisheries all over the world being at risk. One of the reasons we can claim a well managed fishery is that a succession of Ministers made tough decisions in the face of opposition from fishermen and people associated with the industry. It is only because we had the political guts, as it were, to make those decisions that we have profitable, well managed fisheries. Sometimes Ministers must take tough action and be prepared to cop the flak that goes with it. However, I acknowledge that there might be some concern that at times Ministers possibly will step outside the bounds of normal propriety in making those decisions. To that end the Parliament needs some assurance that this legislation covers that situation. The legislation under which we now operate offers less protection than this legislation. On page 44 of this Bill, under part 6, Management of Fisheries, clause 55 (1) states -

> An instrument under section 54 that determines, amends or revokes a management plan is "subsidiary legislation" for the purposes of the *Interpretation Act 1984*.

Subclause (2) goes on to state -

> Section 42 of the *Interpretation Act 1984* applies to and in relation to an instrument referred to in subsection (1) as if the instrument were a regulation.

That clearly gives Parliament the ability to debate and therefore overturn a decision made by the Minister. That is very right and proper.

Mr McGinty interjected.

Mr HOUSE: In fairness that is a different issue. I am happy to debate that, as in the past. This legislation gives the Parliament the ability to make a determination over and above the Minister. This will now operate in the same way as a regulation. Therefore, if the Minister were to take action to revoke a management plan, which was seen by the industry to be unfair, the industry would be able to come to a member of Parliament. The member for Fremantle will be aware that any member can move a disallowance motion and it can be debated by Parliament within a certain number of days. I feel quite comfortable that this legislation will put into place more protection than we have with the

existing legislation. The legislation is better because it gives Parliament the ability to make that determination. Nonetheless, I give the member an undertaking that these discussions with the industry will continue for the next 12 months or so. I am not prepared to say that necessarily it will lead to an acquiescence to its view.

Clause put and passed.

Clauses 55 to 69 put and passed.

Clause 70: Authorization ceases to have effect if management plan ceases to have effect -

Mr McGINTY: For the sake of the record more than anything else, I referred to clause 70 in addressing clause 54. It is obviously clause 70 which gives effect to the problem I was alluding to; that is, that the revocation of a management plan for a managed fishery has the effect of cancelling any authorisation in force in respect of the fishery. That authorisation ceases to have effect. It would be improper simply to allow a clause like this. Notwithstanding the various points of view that were put during the course of the debate on clause 54 and notwithstanding the nature of the commitment given, it would be remiss of me not to draw attention to the fact that it is a contentious clause which gives rise to the problem of the revocation of management plans under clause 54. Our concern now is the same as in the arguments put on clause 54. I do not expect the Minister to respond; I simply draw attention to it.

Clause put and passed.

Clauses 71 to 113 put and passed.

Clause 114: Application of Division to other Acts -

Mr McGINTY: I have had the advantage of being briefed by the department and, as a result of organisation by the department, also by the Environmental Protection Authority. It appears that clause 114 has no effect. I would appreciate hearing from the Minister what is the effect of this clause. We all understand that a fish habitat protection area is an environmentally sensitive area that can be set aside basically for the purposes of conservation and promotion of the fishing industry. Clause 115 provides -

> (2) An area may be set aside as a fish habitat protection area for the following purposes -
>
> (a) the conservation and protection of fish, fish breeding areas, fish fossils or the aquatic eco-system;
>
> (b) the culture and propagation of fish and experimental purposes related to that culture and propagation; or
>
> (c) the management of fish and activities relating to the appreciation or observation of fish.

Quite clearly the purposes for which a fish habitat protection area may be set aside are related to what we might broadly term conservation. That being the case, clearly the fish habitat protection areas will be the most important areas for the fish population on the Western Australian coast. It concerns me that we have a provision which on the face of it would give miners and petroleum companies priority over the interests of fishing. I put to the Minister that either clause 114 has no legal effect or he should tell us what the legal effect is. This is a serious question, because we are dealing here with the most important marine areas for the fish population. Why would one make those very important fish habitat protection areas subject to any mining or petroleum developments which run the risk of jeopardising them?

I am aware that section 30 of the Fisheries Act provides for the creation of aquatic reserves and that section 31 provides for those reserves to be classified as A class reserves. I am also aware that not one aquatic reserve has been created since the power to do so was inserted into the Act and I know the reasons for that. In addition, I have been made aware by the department that a clause comparable to clause 114 of the Fish Resources Management Bill also appears in section 4(1) of the Conservation and Land

Management Act. That makes the operation of the CALM Act basically subservient to the Mining Act and petroleum Acts. I am finding it very difficult to understand what effect clause 114 of this Bill will have on the fish habitat protection areas. If one considers the areas which are likely to be declared fish habitat protection areas - I guess they are the sorts of areas that have been recognised in the marine conservation reserves document recently released by the Government entitled "A Representative Marine Reserves System for Western Australia" - one would expect them to be in the areas set aside pursuant to the recommendations of that document. One wonders what will be the effect of making those areas and the declaration of those areas subservient to the Mining Act and the petroleum Acts.

It would be remiss of me to pass over the impact of the Environmental Protection Authority on this legislation. Section 5 of the Environmental Protection Act provides that where there is an inconsistency between that Act and any other Act the provisions of the EPA Act will prevail. That is fine in respect of existing legislation. If one looks for an example to the Mining Act, section 6 of that Act provides that the EPA Act is paramount and that any provision of the Mining Act is subservient to the provisions of the EPA Act. I cannot see a problem with subjecting the Mining Act to the provisions of the EPA Act; however, there is no counterpart provision in the various petroleum Acts which expressly make those provisions subservient to the provisions of the EPA Act. Nonetheless, the operation of section 5 of the EPA Act, which gives paramountcy to the EPA Act in the event of any inconsistency, would clearly override any provision in the petroleum Acts because they preceded the EPA Act and it is well established that a later Act overrides earlier Acts. I guess the problem here is what happens with subsequent legislation such as the Fish Resources Management Bill because it will not include a clause which is comparable to section 6 of the Mining Act which expressly makes the EPA Act paramount.

I was advised at the briefings organised by the Fisheries Department that the effect of this legislation will be to leave the EPA Act as the paramount legislation. The Minister said in his response to the second reading debate that there was no intention to change the relative positions of the EPA Act and the Fisheries Act. The Opposition is concerned at what appears to be a general government policy of subordinating environmental protection surfacing in this legislation. The Opposition makes its concern public because the amendments made last year to the EPA Act resulted in the splitting of the roles of chairman and chief executive officer and the splitting of the department, as well as the controversy which surrounded the sacking of the then chairman, Barry Carbon, and other members of the board. The Opposition has seen a consistent effort to downgrade environmental protection in significant areas of government operation.

Currently before this Chamber is a most dastardly piece of legislation in the form of the Planning Legislation Amendment Bill. The provisions contained in that Bill have raised concern and alarm within the community and it has been described by eminent Perth barrister Michael Barker and others as an attempt to diminish the accepted environmental assessment processes in Western Australia. The Opposition appreciates that clause 114 of this legislation will more than likely have no impact on the environmental processes under the EPA Act. However, why is this clause in the legislation if the Mining Act and the petroleum Acts are subject to the EPA Act in any event?

[Quorum formed.]

Mr McGINTY: I understand the argument that a consistent government approach should be taken to all areas that are either reserved or set aside as marine reserves. Quite clearly, if the proposed three clauses dealing with marine reserves contained in the CALM Act are to be dealt with according to certain criteria which contain the equivalent provision to clause 114 in the Fish Resources Management Bill, these fish habitat protection areas, which perhaps represent a fourth type of marine reserve - they will be set aside and not reserved - should be dealt with according to consistent criteria. I do not understand what effect the Mining Act and the petroleum Acts will have on the day to day operation of fish habitat protection areas. This legislation is an attempt to grant some comfort to the extractive industries at the expense of the fishing industry. I believe that is most

unfortunate in view of the great importance of fishing industries to the Western Australian economy. I will reserve any further comments until I hear from the Minister what the legal effect of this clause is on the fish habitat protection areas.

Mr HOUSE: The member for Fremantle has expressed it more eloquently than I could have. He obviously has a good knowledge of the clause, its effect and what it seeks to do. Whatever we do, the Environmental Protection Act will override this legislation. If, indeed, we were faced with a drilling operation that would be detrimental to the area, the Environmental Protection Authority would be asked to make an assessment of that situation. If it would be detrimental to the environment, it would be subject to the same sorts of provisions as any EPA assessment. The member is correct in saying that we now have four areas of fish reserves; that is, marine conservation reserves, marine parks, marine management areas and fish habitat protection areas. That probably complicates the situation a little. I feel quite comfortable that this legislation has the protection that is necessary for the fishing industry. This clause is included to make the Bill consistent with the Conservation and Land Management Act, in which the same sort of clause is embodied. To that end, although I acknowledge the member for Fremantle appears to have some fear about the mining and petroleum industries, I do not have that fear because the Environmental Protection Authority can make the proper determination at the appropriate time to assess the situation. Therefore, the fishing industry is properly protected.

Mr McGINTY: I do not wish to pursue the Minister too hard but following the briefing I received, I am still at a loss to understand what the effect of clause 114 is. I do not know what effect it will have in the field for this division of the Fish Resources Management Bill to be subject to the Mining Act and the petroleum Acts. Can the Acts come into conflict and, if so, what will be the effect of this clause? I appreciate that where a significant environmental question arises, it can invoke the EPA Act. The test, of course, is contained in section 38 of the Environmental Protection Act under which the Environmental Protection Authority may exercise its judgment or discretion as to whether a particular proposal will have a significant effect on the environment, and therefore invoke the jurisdiction of the Environmental Protection Authority. I accept that once that threshold is reached, the Environmental Protection Act then overrides the Mining Act and the Petroleum Act. However, in this situation the mere catching of fish, even in significant numbers, is unlikely to constitute a significant effect on the environment. It might well be that dredging or trawling, with the consequent disruption to the ocean floor, could have a significant effect on the maritime environment and, therefore, invoke the provisions of section 38 of the Environmental Protection Act. However, until such time as that threshold is reached, mining and petroleum activity can proceed in these areas.

I refer briefly to the document published by the Environmental Protection Authority entitled "Protecting the Marine Environment - A Guide to the Petroleum Industry". This was a discussion paper for public comment released in April 1993. It contains on page 9 a summary of petroleum activities and assessment by the Environmental Protection Authority in sensitive marine environments. Even seismic activity in the most sensitive marine reserves would be subject to formal assessment by the Environmental Protection Authority, so even the least intrusive activity in the most sensitive areas would invoke section 38 of the Environmental Protection Act. Quite clearly, any exploratory drilling and production of pipeline activity would also invoke formal assessment by the Environmental Protection Authority. However, moving from the marine parks, which are the ultimate in marine conservation areas, down to the second category of environmentally sensitive areas, seismic activity by a petroleum exploration company would not be sufficient to invoke section 38 of the Environmental Protection Act because, generally speaking, it would not be regarded as having a significant effect on the environment. Moving to the next category of buffer zones around environmentally sensitive areas, seismic activity would not be assessed and exploration drilling, at best, would result in informal advice being offered by the EPA and would not be assessed itself.

A range of circumstances would attract the involvement of the Environmental Protection Authority in marine nature reserves, marine parks and other marine environmentally sensitive areas. I am talking about those areas which do not meet the threshold of invoking the Environmental Protection Authority. Perhaps we might look at exploratory drilling in what might be a fish habitat protection area, which would not be formally assessed by the EPA. We have a similar arrangement with the operation of the Mining Act.

The Department of Minerals and Energy of Western Australia has released guidelines for the application of environmental conditions for exploration and mining, and set out as an appendix on page 11 of that document is a description of the nature of the tenement - whether in a national park, an A class nature reserve, a conservation park, B and C class nature reserves, Red Book areas, south west forests or other environmentally sensitive areas - and the different sorts of activities and the level of environmental assessment attached to them. My concern is in relation to those activities which will not attract the threshold of the Environmental Protection Authority as having a significant effect on the environment but, nonetheless, are activities that will occur in the fish habitat protection areas. I am having some difficulty understanding how clause 114 will affect the operation of fish habitat protection areas in respect of those activities which do not attract the attention of the EPA.

Mrs HENDERSON: I raised this issue in the second reading debate and I, too, am concerned about this clause. It has obviously been included for a purpose, and it clearly says nothing in this division affects or is to be taken to derogate from the operation of the Mining Act, the Petroleum Act and the Petroleum (Submerged Lands) Act. As indicated in the second reading debate, the saving clause is clause 5 of the Environmental Protection Act which clearly states that wherever a provision of this Act is inconsistent with a provision contained in, or ratified or approved by, any other written law, the provision of this Act prevails. Given that the Environmental Protection Act overrides the Mining Act and the petroleum Acts, why was it necessary to include in this legislation that the Mining Act and the petroleum Acts override the Fish Resources Management Bill?

That is particularly so in relation to the clauses of the Bill that relate to fish habitat protection and the Abrolhos Islands reserve, which are aimed at providing protection for areas which have significance. I congratulate the Minister on the extensive provisions for the Abrolhos Islands. However, it is interesting that clause 114 affects only this division. Why does this part of the Bill contain a clause which says that certain mining Acts will override this division, while at the same time the Environmental Protection Act overrides the Petroleum Act? The question also revolves around what could be picked up by section 38 of the Environmental Protection Act, and whether the proposal falls below the threshold and thus escapes. For example, a provision that came out of the Mining Act or Petroleum Act, but was not an event of such significance that it fell within section 38 of the EPA Act, clearly could slip through this clause of the Bill.

Mr HOUSE: I can understand the Opposition wanting to raise some concerns about this issue, but I firmly believe those concerns have been answered in my replies to the queries raised in the second reading debate and a moment ago. For example, the first fish habitat management area will be the Abrolhos Islands, and I cannot see how any Minister would allow mining on the Abrolhos Islands. That would seem to be a perfect example of the concerns raised by the member for Thornlie; that is, that mining might be allowed in that area.

Mrs Henderson: It would not be mining. It might be at the level below drilling, at the exploration level. It would have to be a level of activity that was not high enough to trigger the threshold of the Environment Protection Act.

Mr HOUSE: Drilling triggers the Environmental Protection Act. Could the member give an example of something that would not?

Mrs Henderson: A plan might not be enough to bring in the EPA.

Mr HOUSE: I do not agree with that. I cannot think of an example where a fish habitat area would be put at risk because the EPA could not step in and do something about it under its legislation, and the member has not been able to give me an example.

Mrs Henderson: Why is the Mining Act overriding this section of the Bill?

Mr HOUSE: It will not override the Fisheries Act.

Mrs Henderson: It says "nothing in this division . . . is to be taken to derogate from . . . "

Mr HOUSE: Derogate does not mean override.

Mrs Henderson: If you do not derogate from the Mining Act, the Mining Act takes precedence over this clause of the Bill.

Mr HOUSE: I do not think there is a problem. There is no hidden agenda in this clause.

Mrs Henderson: Why is it there?

Mr HOUSE: To provide uniformity with the Conservation and Land Management Act. That same clause is in the CALM Act. It was included after consultation with CALM, the EPA and other industries, including the petroleum industry. It allows them to become involved, if they need to be.

Mrs Henderson: That clause does not make any difference to the EPA's rights.

Mr HOUSE: If it does not make any difference, we may as well leave it there.

Clause put and passed.

Clauses 115 to 119 put and passed.

Clause 120: Regulations relating to fish habitat protection areas -

Mr McGINTY: This clause does not seem to provide the level of protection which is provided in the current legislation for fish habitat protection areas, which are the equivalent of the aquatic reserves in the existing Act. The existing Act contains comprehensive provisions empowering the Fisheries Department or the Minister to make regulations regulating behaviour, conduct and activities in those areas. Clause 120(2) sets out very limited set of powers, where the regulations may prohibit or regulate three things: Entry; fishing or aquatic eco-tourism, or any other activity that might affect the fish habitat protection area; and moorings, jetties, rafts and other constructions in the fish habitat protection area. In respect of the Abrolhos Islands reserve, which will undoubtedly be the first fish habitat protection area set aside under the provisions of this Bill, we find extremely comprehensive regulation making power in order to control a variety of events and activities associated with the Abrolhos Islands. I refer to clause 121 to illustrate my point. It provides for express powers to make regulations in respect of the Abrolhos Islands reserve to deal with any matter necessary for the protection and management of the reserve. Clause 121(2) provides for specific applications of that power in paragraphs (a) to (r). I applaud the Minister for including in this Bill more extensive powers than currently exist under the fisheries legislation in respect of this reserve, but I express some concern that the full extent of those powers is not then extended to other fish habitat protection areas. I appreciate that the Abrolhos Islands are a jewel in our crown, from the point of view not only of fish habitat protection areas, but also the environment and our history generally. As such they are an extremely important collection of islands off our coast.

I ask why the powers contained in clause 121 about the Abrolhos Islands are not extended to the fish habitat areas. I appreciate the Abrolhos Islands proposed reserve, which will be both land and water, requires in some sense different regulation making power. The power to regulate the making of various structures will relate to a land reserve and not to an aquatic reserve. In respect of the Abrolhos Islands we find a specific regulation making power in paragraph (a) to provide for the use and the manner of use of land and facilities in the reserve. It does not appear that the use and manner of use of water and facilities in the aquatic reserve is specifically regulated in respect of fish habitat protection areas, other than in the Abrolhos Islands reserve. Paragraph (b) contains an express power in respect of the Abrolhos Islands to provide for the protection

and conservation of flora and fauna, whether aquatic or otherwise in the reserve. There is no equivalent power in respect of areas, other than the fish habitat protection areas to which this legislation relates. Paragraph (d) relating to the conduct of persons in or on the reserve is included in respect of the Abrolhos Islands. The only real power in regard to the fish habitat protection areas generally is that to regulate entry rather than the conduct of persons in or on the reserve. I can go on and refer to paragraph (f) which relates to the use of boats - it is not an express power in respect of the fish habitat protection areas; paragraph (g) which relates to regulating activities in waters adjacent to or in the reserve; paragraph (j) which prohibits or regulates the use of firearms and devices or means for the taking of flora or fauna; paragraph (l) which prohibits or regulates the deposit or incineration of rubbish from litter; paragraph (p) which provides for the collection, removal, disposal or incineration of any rubbish, sewage, litter, building or structure in the reserve; and paragraph (q) which provides for the removal from the reserve of any person who has contravened any regulation or of any vehicle or animal.

I appreciate that a number of the other regulations which I have noted in respect of the Abrolhos Islands reserve are far more extensive than those contained in the current legislation. Some might well relate to the land nature of the Abrolhos Islands. It seems to me that we are setting up two standards of regulation making power; one of an inferior type in respect of fish habitat protection areas generally, and a second being a far more superior one in respect of the Abrolhos Islands. Having had the good fortune of visiting the Abrolhos Islands earlier this year in respect of another select committee's activities under the chairmanship of the member for South Perth, I can appreciate the exquisite beauty of the aquatic environment of the islands; but it does not seem to warrant diminishing the powers to regulate activities in respect of fishing habitat areas generally. Why do we find an inferior regulation making power to prohibit and regulate activities in fish habitat protection areas generally, compared with those in the Abrolhos Islands reserve?

Subsidiary to that issue is that contained in section 31A of the current Fisheries Act which provides for extensive powers in respect of reserves under that Act. Clause 120 of the Fish Resources Management Bill contains a somewhat lesser range of powers to make regulations, to prohibit and regulate certain activities in the fish habitat protection areas, than those powers in the current Act in respect of reserves under that legislation. Why do we have a dual standard in regulation making for the Abrolhos Islands on the one hand and the fish habitat protection areas on the other? Is it the case that the regulation making power in respect of fish habitat protection areas generally is less than the regulation making power in respect of the reserves under the existing Fisheries Act?

Mr HOUSE: Mr Deputy Chairman (Mr Ainsworth), I am pleased that you allowed the member to cover a wider range of clauses because in this case it helps the debate. To answer both the questions, I do not think that is the case. Clause 120(1) states -

> The regulations may provide for any matter necessary for the protection or management of a fish habitat protection area.

Clearly it states that we can invoke regulations that provide for any matter necessary for the protection. All of the powers of the Act can be applied to a fish habitat area, and clauses in the Act, including clause 258, spell out some of those. The member raises a genuine point. In the next few days I will obtain more detailed advice about that. I believe what I am saying is correct, otherwise I would not be providing that advice. I just want to be very certain that if that is not the case, I can address the matter further. It can be addressed when the Bill gets to another place. If the member for Fremantle will allow me to obtain that advice and get back to him, I will do so. My view is that we have it covered, but I want to double-check.

Mr McGINTY: I am more than happy with that. It seems to me that the greater level of protection regulation making power is necessary. I am more than happy that the Minister will investigate the matter. If the power needs to be strengthened, it can be done before the Bill completes its passage through the Parliament.

Clause put and passed.

Clauses 121 to 239 put and passed.

Clause 240: Fishing Industry Promotion Training and Management Levy Fund -

Mr McGINTY: The issue I wish to raise here is the failure to include reference to the established industry body. The view has been put that the industry body is the Western Australian Fishing Industry Council, and the legislation should recognise it and deal with it accordingly. There are provisions here which would seem to enable the Minister in respect of the fishing industry promotion training and management levy fund to do two things: Firstly, to enable him to fund programs promoted by industry bodies. It seems to me that this money is collected from industry for the purposes of the fishing industry promotion training and management levy fund and, as such, it should be applied to purposes as described in the legislation, which are the purposes of the industry in relation to promotion, training and management. Subclause (4)(a) sets out how the fund may be applied. Each of those are purposes which are designated in the legislation. We then go on to find two provisions. The first, in subclause (5), states -

> Moneys in the Fund may be paid by the Minister to an industry body to conduct a programme promoted by that body.

The industry body is the Western Australian Fishing Industry Council, and that is the body for which the money is collected. Secondly, subclause (6) provides -

> A body to whom moneys are paid under subsection (5) must ensure that -
>
> (a) the moneys are only expended for the purposes of the programme and in accordance with any terms imposed by the Minister;

That seems to give the Minister the power proposed by the industry body within the limits of the legislation - that is, for promotion, training and management of the industry. It gives the Minister the right to determine what the industry shall do with its money, even when the industry's view does not accord with the view of the Minister. It seems that if the Minister is putting himself in the position of agent, to facilitate the collection of funds, two things flow from that: Firstly, the recognition of the peak industry body, WAFIC; secondly, that the Minister should not have any right to determine, control or veto beyond the purposes which are expressed in the legislation, the purposes for which that money is to be used.

To put the matter in the terms of the industry body, WAFIC, I read from a letter dated 21 September 1994 from WAFIC to me -

> The other section of the Bill which was of concern was that relating to the Fishing Industry Promotion, Training and Industry Management Levy. As discussed this was the result of the concept promoted by WAFIC on behalf of its members which you saw at a function in Perth last year. Our concern relates to the fact that the Minister has required in the Bill that he administer the funds and approve levies on a programme by programme basis rather than acting as the collection mechanism for the levy and passing on the funds directly to WAFIC as supported by the concept and the industry's agreement.
>
> On the basis of a clear motion by our members at our AGM in 1993 for there to be no government control over the funds raised, WAFIC has advised the Minister that we cannot support this section of the legislation and we will be raising the matter at our AGM in September 1994 for further direction from our members. We will advise you on the outcome of our deliberations.

I raise the concern expressed by the industry in relation to those two aspects of the fishing industry promotion training and management levy fund - that is, the Minister is to determine who shall comprise the industry body and who will be in receipt of the funding, and may also impose terms and conditions on the way in which the industry body spends its own money. They are legitimate concerns. The concept of the fishing industry promotion training and management levy fund is some years old now. It is the sort of thing the industry needs. To impose a level of ministerial intervention will set an

undesirable precedent, particularly when elsewhere in this legislation the Minister sets out arms-length mechanisms in relation to appeals which will remove the Minister from many of the day to day management issues in respect of fisheries. This will allow appeals to be determined by an independent body, so that there will not be political intervention in the fishing industry. For the Minister to retain the right to say to which industry bodies the moneys are paid and for what purposes they will be used appears to be getting rid of a measure of political intervention and replacing it with political intervention at another level. It is consistent with the general thrust of the legislation and seems to place the Minister in a position where he determines and discusses policy, but leaves the day to day management and the details of that policy to the department and not to the Minister himself.

Mr HOUSE: This clause was the subject of some discussion at a number of meetings between myself and the chairman, directors and employees of WAFIC. It is fair to say we did not agree. The clause is worded as it should be. For the interest of members who do not understand how WAFIC works, I advise that it does not receive funding from a voluntary association of members, as is the case in agricultural industries. WAFIC receives its funds by the Government imposing a levy on fishermen, which is then given to WAFIC to run the Western Australian Fishing Industry Council's affairs. I have some doubts about that and those have been expressed to the Chairman of WAFIC a number of times. That subject is still a matter of ongoing debate between us and will continue for some time because of doubts in my mind about whether it is right for the Government to be levying industry to establish a body that can take the fight up to the Government, which it does. In many cases, it helps, cooperates and agrees with the Government.

I made the point earlier that WAFIC was very helpful in getting this legislation into the Parliament, and I appreciate that. There are cases where this procedure of raising finance does not give WAFIC the independence it must have to take the fight up to the Government of the day, if it needs to on behalf of its members. It could find itself compromised by the way it is funded now, and that is something the fishing industry should consider.

I return to the clause relating to raising money for industry promotion, training and management. One could take the other view; namely, that if one did not want the Government to raise money, it could be raised among members on a voluntary basis. In my view, the industry has the ability to go to its members and raise a fund for industry promotion, training and management; then they can do with it what they like. If one wants to use the government authority to raise that money and to have the Minister and the Government of the day at the sharp end of levying the industry, one must allow the Minister of the day some say in the management of that money and how it is spent.

I have also made it clear to the fishing industry that I may not do anything different from what it wants. In most cases I would pass that money on to WAFIC to use in the way it has asked and the way it wants to use it. It is also possible that a group of fishermen might want money raised to promote their industry, but do not want WAFIC to administer it. In that case the Minister should have the ability to determine whether that money could be used by somebody else for the reason stated. In my view, it does not necessarily follow that WAFIC should always have control of it, and I am not prepared to see that written into legislation. In most cases, WAFIC is the peak body to which the Minister would give the funding. As I have said, there is a need for the Minister to keep some control of the funds.

Clause put and passed.

Clauses 241 to 266 put and passed.

Schedules 1 to 3 put and passed.

Title -

Mr HOUSE: It has been pointed out to me that something I said could be construed as my giving the wrong answer and thereby misleading the Chamber. I want to clarify the matter. It relates to clause 114. The regulations referred to in this clause prevail in

respect only of fish habitat protection areas; that is, a proposal under the Mining Act over a declared fish habitat protection area is not affected because the proposal is over such an area. To that extent, the Mining and petroleum Acts override this Bill.

Title put and passed.

Bill reported, with amendments.

FISHERIES ADJUSTMENT SCHEMES AMENDMENT BILL
FISHING INDUSTRY PROMOTION TRAINING AND MANAGEMENT LEVY BILL
PEARLING AMENDMENT BILL (No 2)
PEARLING INDUSTRY PROMOTION TRAINING AND MANAGEMENT LEVY BILL

Second Readings

Orders of the day read for the resumption of debate from 13 September 1994.

Question put and passed.

Bills read a second time.

Third Readings

Leave granted to proceed forthwith to the third readings.

Bills read a third time, on motion by Mr House (Minister for Fisheries), and transmitted to the Council.

LAND TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr C.J. Barnett (Leader of the House), read a first time.

SKELETON WEED AND RESISTANT GRAIN INSECTS (ERADICATION FUNDS) AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

LOCAL GOVERNMENT (SUPERANNUATION) LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 16 June.

MR RIEBELING (Ashburton) [10.19 pm]: The Opposition supports the vast majority of the clauses in the Bill. However, the Opposition is concerned about the viability of the City of Perth superannuation scheme. I understand the need and the reasons for the legislation. It will protect those members of the City of Perth scheme who now find themselves employed by one of the new town councils under the structure set up by the Government. However, I am concerned about the future of the fund and its ability to remain sustainable. I remind the Minister that most workers affected by the legislation are very low wage earners who work exceptionally hard and receive very little recognition. They receive very few other benefits, apart from the superannuation scheme. In fact, to tamper with the workers' investment for their future retirement is heartless, but to affect the long term viability of the scheme is even worse. These changes should be made only after an extensive examination of the effects of these changes on the viability of the system in the short and long term.

These people have made a long term commitment to this scheme, upon which they shall rely for financial support in their retirement. Amendments to the scheme must be well

thought out and based on fact. Amendments are usually made when the Government, the employees and other parties are trying to improve the situation within a scheme. However, I have considered the Bill and I can see no probable resulting improvements in the system. Will the Minister advise where improvements to the scheme will flow from this legislation? I have asked for this information, and I have looked for it myself; however, I have been unable to find any reference to any study the Minister has undertaken to guarantee the survival of the Perth City Council superannuation scheme in the long term. What has the Minister obtained to indicate the viability of the scheme? It appears that the change is purely as a result of the commissioners' desire to extract themselves from the scheme in the long term.

Problems have been indicated to me during discussions on this matter. I will take the Minister through each of those concerns. Firstly, we must quickly look at the current scheme and its alternative: The two main schemes in operation are the industry scheme - of which members are aware - and the Perth City Council scheme. The council scheme covers approximately 99 per cent of all workers employed by that body, and it has adopted a cautious outlook and has achieved excellent results.

During the 1980s the industry scheme attracted a large number of people from the Perth City Council scheme as it achieved a 26 per cent return on its fund at its peak in 1986. However, in more recent years the industry scheme has struck a rocky road regarding securing dividends for its members. In fact, in 1993 it achieved a cash deficit. Although the concerns of those people in the industry scheme are well founded due to the erratic peaks and lows, the Perth City Council scheme has proceeded calmly and produced consistently good returns for its members. I am sure that the vast majority of Perth City Council employees currently within that scheme are pleased with its results.

I am advised that as recently as three weeks ago a large number of people who were in the industry scheme, although previously members of the Perth City Council scheme, were able to return to the council scheme. That indicates that people within the council appreciate the council scheme, and that they hope it will remain viable in the long term. The council scheme has been well managed and balanced as a system with low overheads in its administration and cost structures. It is very comparable with other schemes of a similar size. The scheme has survived for approximately 60 years and, if allowed by this Government, it will survive for at least another 60 years - I hope longer.

I am concerned that the legislation will result in the death of this system within a relatively short time. The commissioners do not want the system to survive; unfortunately, the Government appears to be of the same mind. The Government's rhetoric is that it supports free enterprise, but it appears that the superannuation scheme in question is not to be allowed to compete for its market share. If the system is opened up and able to compete, it will attract a large influx of members because it offers greater benefits than the industry scheme.

Unless the Bill is amended, continual reductions will occur in the scheme membership. I am advised that approximately 35 per cent of its members could leave the scheme over the next five years or so. These figures are not based on the worst case scenario with people leaving the scheme, retiring and so forth; the figures are based on the Carr-Fardon report which indicated the size of the proposed towns of Cambridge, Shepperton and Vincent. If we take a more pessimistic view of the likely membership of the Perth City Council scheme in the future, we would look at the impact of the contracting out of the work force. In the near future the impact of the contracting out of the work force will result in much more than 35 per cent of people leaving the scheme.

If the Government were to open up the scheme, it would benefit the scheme members. The Minister should consider amending the legislation to restrict its impact to those towns which lie within the boundaries of the former City of Perth. This would prohibit the inclusion of any of the towns in the metropolitan or country areas which never had the opportunity to join the Perth City Council scheme.

Mr Omodei: What would the difference be with the employees of the new towns compared with those of any other town in the State?

Mr RIEBELING: As I understand it, the scheme was set up with those people in the work force, which now covers the four towns, and it is viable within that structure. At present, all of the employees are covered by the Perth City Council scheme, but in time new employees working alongside those existing employees will be on different conditions. The Minister is saying that in time the Perth City Council will shrink back into the boundaries of the new City of Perth and will cater only for those employees. That situation is not viable.

Mr Omodei: That is not the case at all. All members of the current scheme will be allowed to continue as members of the current scheme.

Mr RIEBELING: That is right. I said that new employees will not be allowed to join.

Mr Omodei: That is right.

Mr RIEBELING: If the Minister does not make the changes I am suggesting, two classes of worker will develop. One class of worker will have had access to the Perth City Council scheme for some time, and the second class of worker will have access only to the industry scheme. The cost of retirement will be the same for both classes of worker in the former Perth City Council boundaries, regardless of the employer for whom they work, yet the latter class will receive a smaller dividend at the end of the day. Superannuation should be a secure system that offers the best return for all employees. The Minister knows that the best return that is available at present is through the Perth City Council scheme. If the changes that I have suggested do not take place, the Perth City Council scheme will not be able to survive without results which will have an adverse effect on all members of the scheme. It will result in increased cost to contributors, because it will have a lower capacity to absorb charges, and it will result also in reduced benefits to members.

The members of the scheme support the philosophy of the Liberal Party that competition will provide the best benefit to members. I support the philosophy that we should look for a system which will in the long run provide the greatest security and benefit to the workers currently employed by the Perth City Council and not necessarily stick with the current system. The Government is saying that competition is applicable only when it suits the Government's purposes. I urge the Government to allow this scheme to have a future.

The wording of this legislation will create some problems when dealing with some of the awards under which employees of the Perth City Council are currently employed. I have been advised that there is an agreement that an exact copy of those awards will apply to the new towns. One of the conditions of those awards is that the employer will pay to the Perth City Council scheme superannuation contributions for those employees. If that is the agreement, how will the legislation have its stated effect? Surely the agreement that the awards will be identical means exactly that.

Can the Minister provide facts to show that this decision will not lead to the destruction of the current system? To what extent will the use of contract labour impact upon the survival of the scheme? Did the Minister, in deciding to proceed down this path, consider the long term effects on the Perth City Council scheme; and, if so, on what did he base that decision? How did the Minister make that decision when the commissioners are advising people that they do not know what will be the staff structure of the Perth City Council? If a decision has been made about the staff structure, I would appreciate that advice also. I urge the Government to consider the possibility that a limited opening of the Perth City Council scheme to competition will benefit the towns involved, will be cost neutral to the current operation of the fund, will secure the long term future of the Perth City Council scheme, and will be in the interests of the workers whom the Government is hoping to protect with this legislation.

Mr Omodei: If you are of that mind, why have a limited opening? Why not open it fully to the industry?

Mr RIEBELING: I support that. I thought the Minister's main concern was the impact of opening it up too wide. I put that to the Minister's senior staff member, who

responded that he did not think a full opening was possible at this stage. If the Minister agrees to open it up, why not start with a limited opening?

Mr Omodei: That is right. Why are you interested in only a limited opening of the scheme?

Mr RIEBELING: I am interested in only a limited operation of the competition at the moment because had the split-up not occurred, the workers within those boundaries would have been covered by this scheme. The fact is that by an action of this Government, they are artificially put into different employee groups. The same work is to be done and the same workers are to complete that work. When those people retire, their replacements should be given the opportunity of joining that scheme, and the Perth City Council scheme should be given the opportunity of competing for those members. If it does not provide the best cover and the best service to those members it would no doubt lose those members, but to not have competition and to limit the possibility of the Perth City Council scheme's survival damages the entire structure of the superannuation scheme on which many people will depend for many years. That is why it is vital that we find out the basis of the Minister's decision, and why the Minister said that it is critical for the members to sustain this system for the next 100 years or so.

MR BROWN (Morley) [10.40 pm]: I direct my comments particularly to part 3, the repeal and transitional arrangements for the City of Perth Superannuation Fund Act. I will raise a variety of matters for the purpose of placing them on the record, and I invite the Minister to respond. I will go through the matters briefly and elaborate further later. I seek clarity on, first, benefits; second, control of the fund; third, administration; fourth, fees and charges; fifth, beneficiaries; and last, future viability. I will deal with each matter in turn.

First, I take it from the second reading speech and the intent of the legislation that the Bill is designed not to reduce the end benefits employees would otherwise receive had the scheme continued in its existing form. That is not specified in the second reading speech nor in the Bill, but I assume that it is the intent of the Bill. I invite the Minister to confirm that that is the intent of the Government with this change.

The second matter concerns control. Section 3 of the City of Perth Superannuation Fund Act provides that the council may itself control, manage and administer the fund or may delegate the control, management or administration of the fund. It sets out, at least in part, that on any board so appointed to control the fund there shall be at least one representative of employees. This Bill incorporates the provisions of the federal Superannuation Industry Supervision Act 1993. The Bill also proposes that there be a transfer of assets, obviously from the existing management and trustee structure to a new structure. It provides in clause 9(1)(b) that the rights and liabilities of the former board under the former scheme, or of the City of Perth to the extent that under the repealed Act it controlled, managed or administered the former fund, become rights and liabilities of the trustee. I have looked in the Bill for a definition of trustee and what that envisages. Presumably it envisages a trustee in the same context as the trustee is envisaged in the Superannuation Industry Supervision Act of the Commonwealth. Part 9 of the commonwealth Act sets out the way in which such corporate trustees or trustee arrangements may be established. Section 89 of that Act states that there will be a management structure which provides an equal number of employer representatives and member representatives. Member representatives are referred to in the definitions of that Act as being either persons elected by employees or persons nominated by employee organisations. I assume from the intent of this Bill that what is envisaged for the management of the Bill is a trustee in accordance with the federal Act, and is a trustee established in accordance with section 89 of that Act, such that it will be drawn from equal representatives of employers and employees.

The third matter on which I seek advice relates to the administration of the fund. Australia has seen some very successful and some very poor superannuation fund administrators. Many fund administrators hold the future of members of the fund in their collective hands. A good fund administrator who selects effective investment managers

with the approval of the trustee or the corporate trustee, may obtain high returns for members. Conversely, an administration which is poorly run, which provides poor advice to the corporate trustee, and which selects and recommends to the corporate trustee investment managers and such other persons and organisations to invest the funds of the scheme, where those selections are not made prudently, can have an adverse and deleterious effect on the eventual returns to members of the fund.

The ACTING SPEAKER (Mr Ainsworth): Order! The volume of conversation behind the Chair is far too high.

Mr BROWN: I seek advice from the Minister about the manner in which it is envisaged the fund will be administered, any changes envisaged in that regard, and particularly at this stage whether there is any proposed change in investment managers or other types of arrangements which have the potential to impact on returns to members.

The fourth matter relates to fees and charges paid by members. Generally speaking, in industry schemes a much lower administration charge is applicable to members against their accounts. Again I assume that the intention of the Bill is that the fees and charges imposed on members of the fund - if any fees and charges are to be imposed - will either remain the same or be reduced. I seek clarification on that point.

I now refer to beneficiaries. I note that in the old Act there was a definition of people - those who may benefit from the fund, apart from the superannuant herself or himself - and that, I assume, is to be replaced by the word "dependant" as referred to in this Bill. A dependant is deemed to be a dependant with the same definition in section 10 of the federal Superannuation Industry Supervision Act 1993. As I read that definition in the federal Act, it expands rather than reduces the persons who may be benefit from the superannuation fund other than the superannuant herself or himself. I ask the Minister to confirm that there will be no diminution of the range of persons who are entitled to benefit from the demise of the superannuant, and clarify whether that fund is paid out other than to the superannuant. As I read the legislation, that is not the case; in fact, the legislation expands the definition of "dependant" rather than contracts it. I would like the Minister to clarify that.

Finally I would like the Minister to discuss the future viability of the fund. All funds are affected by the degree to which they are able to attract and retain members. As the Minister will probably be aware, small funds have difficulty participating in some investment arrangements that require very large sums of money before they can get permission to invest in them. Also small funds tend to charge a greater administration fee than large funds. Hence, in the past few years, particularly in the private sector, a number of small funds have collapsed and been consumed by large industry schemes because the administration charges in those small schemes have been prohibitive and way in advance of the administration charges and fees of large industry funds. I would feel much more comfortable if my questions concerning the benefits, the control in administration and the cost increases in relation to beneficiaries and future viability are responded to in the affirmative. If not, I will feel much less easy about the Bill.

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [10.51 pm]: The Opposition's concerns on this Bill have been put very clearly by both the member for Ashburton and the member for Morley. However, I briefly reiterate that the Opposition sees as necessary assurances regarding provisions in this Bill. Although the Opposition could, in all good faith, believe that the employees who subscribe to this scheme will not suffer any detriment, there is no clause that actually provides for that. As the member for Ashburton said, there is nothing in the very brief second reading speech about the statistical projections for the scheme and how it will be affected over time. That is important, particularly considering that fundamental changes are taking place in the way government does its business and in light of the likely number of employees who could be eligible for the scheme and who could be eligible to join the scheme.

Mr Omodei: The member for Ashburton also said he was concerned that people who were in the Perth City Council scheme could be paid greater financial benefits than those in the industry scheme.

Mrs HALLAHAN: He did not say that. I think the Minister was not listening clearly.

Mr Omodei: I was trying very hard to listen.

Mrs HALLAHAN: I am speaking very clearly and outlining some genuine and reasonable concerns in seeking from the Minister information during the second reading debate on this Bill. I cannot believe a Minister would bring forward such a fundamental change to a superannuation fund, where the number of people actually in the scheme will diminish, without having satisfied himself that no detriment will occur to the people already in the scheme or to those who will join the scheme. We need to be very clear about that.

It is a real concern which may have arisen in some local government circles as a result of the history of local government superannuation schemes. I remember the difficulty in 1989 when I was the Minister for Local Government. Employees were reluctant to accept a change to the local government superannuation scheme to include what the Government at that stage believed were quite adequate provisions. The concerns expressed about this legislation may be quite unrelated, but are very real as the Bill is presented. People may be concerned as a result of the very brief second reading speech which accompanied the Bill into this place. Had it more fully outlined the projected figures for the scheme, its security and viability, there may not have been the expressions of concern.

We are now faced with what is before the House tonight. We have heard two very well considered speeches by the member for Ashburton and the member for Morley, which raise a number of concerns to which we need responses. The Minister now has that opportunity. I believe he will have at his fingertips the information necessary to respond to the very predictable points raised in debate on a piece of legislation such as this. That information is fundamental to the people in that scheme as they become retirees and to those who may be attracted to join the scheme.

MR OMODEI (Warren - Minister for Local Government) [10.57 pm]: I thank Opposition members, particularly the member for Ashburton, for their support of the Bill. Members will know that the Bill is to repeal the City of Perth Superannuation Act and to allow the City of Perth superannuation scheme to continue as a trust deed arrangement in accordance with commonwealth laws, which is controlled superannuation and which is in line with an amendment Bill brought into this House on the industry superannuation scheme.

I corresponded with the member for Ashburton on 23 September in response to some of his concerns. I have contacted people who are responsible for the fund and I confirmed today with my office that I had still not received any concerns. The member for Ashburton seemed to make a number of contradictions when he outlined to the House that he believed that the Perth City Council scheme was viable; yet he expressed concern about viable mass and studies. Members will know that a number of small schemes in the State remain viable with very low overheads. The Perth City Council scheme is recognised for its excellent returns to its members. It contrasts sharply with the returns the industry scheme provides for its members. That is still a matter of concern to me and to the industry.

The member also raised the question of people returning to the scheme. Of course, if the scheme was not performing well, people would not be returning to the Perth City Council scheme. The scheme has low overheads and low cost structures. It has survived for 60 years because of good management. It is well known that contracting is occurring in local government circles, not only in Western Australia but across Australia, in New Zealand and in other parts of the world. There will always be some people leaving and some people joining the scheme. I have not been pursued on the viability of the scheme, apart from some initial concerns which were raised late last year. I have received no further submissions.

The industry scheme at the moment is an accumulative one, whereas the Perth City Council scheme is a defined benefit scheme. Although in recent years the PCC scheme

has performed best with the clearing of the deficit by the industry scheme, its performance may improve. Members opposite would know that the industry scheme lost something like $30m post-1987, and it is still struggling. I said by interjection to the member for Ashburton in relation to his concerns about new members in the new towns coming into the PCC scheme that it would be tantamount to suggesting that people from outside the new towns should also be able to come into the scheme. The Western Australian Municipal Association will meet on this matter in the next couple of weeks. It has polled its members and will provide feedback to me as the Minister on whether not only the industry scheme, but also this scheme, should be opened up. That matter will take into account the opinion of not only the members but also the industry representatives.

Mr Riebeling: What will the impact of the loss of 35 per cent of its members have on this system?

Mr OMODEI: How does the member for Ashburton know that 35 per cent of the members will leave? We do not know how many people will leave. I presume that some will.

Mr Riebeling: Surely you have some estimate.

Mr OMODEI: I have not any idea how far the Perth City Council will contract. I expect there will be some losses. That does not necessarily mean that the scheme will be affected financially.

The member for Ashburton mentioned that one of his concerns was that the new towns, which retain current PCC members who would be eligible to join the Perth City Council scheme, would work alongside people who were under the industry scheme, for example. I think he mentioned in his speech - I will confirm it later - that there would be inequity in that the people under the Perth City Council scheme would receive greater benefits. The member must make up his mind whether he thinks the scheme will be viable. He quite rightly said that it was a high performing scheme. It will continue to be so: It will continue to outperform the industry scheme.

Mr Riebeling: The inequity is that if the Perth City Council scheme does perform well, the people in the industry scheme cannot get into it because of your legislation.

Mr OMODEI: I explained that to the member for Ashburton. Why should they get into it? It is the decision of the trustees for the scheme to be retained for its current members. I have already raised the point about opening the scheme to new people. Why should a gardener who joins the Town of Vincent in 10 years be eligible to join the Perth City Council scheme? He will be able to join the industry scheme. Should its performance improve, the industry scheme may well outperform the Perth City Council scheme in the long term.

The member for Morley asked about the benefits to continue. The benefits will continue.

Mr Brown: The same level of benefits?

Mr OMODEI: I presume the same benefits will continue, but I will check that and get back to the member for Morley.

It is presumed that the trust membership will be set up in accordance with the federal legislation. It is proposed that the board will be set up in accordance with section 89 with four members nominated by the employer and four nominated by the members, not the union. That decision was made by the staff and was previously agreed to by the Perth City Council in June 1993 before the restructure of the Perth City Council. It is in line with the requests of the employees and members of the Perth City Council. I expect that the fees and charges will continue at the same level. Will the member for Morley clarify what he said about entitled persons? I could not hear him at that point.

Mr Brown: The old Act provides that persons other than the superannuant who are entitled to receive the benefit of the scheme will receive a payment in the event of the demise of a superannuant. The new scheme defines dependants as persons in that category and states that the definition of dependant is the same as the definition in the

federal Act. As I read the federal Act, the definition of dependant is broader than the definition contained in the existing Act; that is, the effect would be a greater scope of people entitled under the Bill to a payment from the fund in the event of the demise of the superannuant than is currently case. I asked you to confirm that.

Mr OMODEI: As the change is to bring the scheme into line with the commonwealth Act, I presume it would be in line with the federal Act. I will confirm that between now and when the Bill passes to the other place. I do not have those details with me at the moment. The query by the member Morley about the future viability of the fund was also raised by the member for Ashburton and the member for Armadale. I expect that the fund will continue to be viable because it has been well run.

Mrs Hallahan: Have you checked that that would be the case?

Mr OMODEI: Yes, that is the case from reports given to me by people who have studied the actuary situation with the fund.

Mr Riebeling: How do you know that if you do not know what will be the impact of not allowing new members from those towns?

Mr OMODEI: The whole performance of the fund will depend on membership. As I said, that issue is being canvassed by the industry. If in the future the membership, the unions and all the members of the fund in the industry recommend that the fund should be opened up - likewise, if a recommendation came to me as the Minister for the industry fund to be opened up - I would act on that. I understand the members will discuss that issue in the next couple of weeks and that a poll of members will be taken by WAMA, particularly on the industry scheme. If necessary, I would come back to this place and seek to have the funds opened up for competition. At this stage the advice I am given is that it is the wish of the Commissioners of the City of Perth that the PCC fund be retained for the current members or any new members of the Perth City Council.

Mr Riebeling: Can you table advice that indicates it is sustainable?

Mr OMODEI: I do not have that information with me at the moment, but I can advise the member of the projections of the performance of the fund. That would depend on a range of issues and a complicated range of mechanisms that could occur with changes to the membership of the fund or to the performance of the fund. I am happy to give as much advice as I can to the member for Ashburton. This is a small and simple Bill that will ensure the Perth City Council superannuation scheme will remain within the Perth City Council. I am confident that it will remain a viable fund, and I thank members opposite for their support.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Ms Warnock) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Part VIA inserted -

Mr BROWN: I thank the Minister for his comments in the second reading debate, but as this matter is quite important it is necessary to try to reach some conclusion concerning the benefits that eventually might be paid under the amended Act. The Minister indicated that the current scheme is a defined benefit scheme. It was not clear from the Minister's comment whether the proposed scheme and the alterations to it will deliver the same benefit to employees as the defined benefit scheme. I raise this with the Minister because proposed schemes are to be cumulative schemes, not schemes of a defined benefit nature. Defined benefit schemes have traditionally operated on the basis that employees who leave earlier rather than later receive a lower benefit compared to employees who retire some time later in the scheme. I am not clear, and the Bill does not specify, whether it is the case with the defined benefit scheme that currently operates, but

defined benefit schemes normally operate on the basis that they provide a defined benefit; that is, it is a promissory benefit by the employer normally based on some index or some arrangement, sometimes related to an annual salary and sometimes the total contribution paid in by the employee at the time. In many instances employers participating in defined benefit schemes do not make weekly or monthly contributions on behalf of employees as they do with cumulative schemes but rather make a contribution to a defined benefit scheme on the actuarial amount required to be paid to that scheme calculated normally every six or 12 months.

In the past with defined benefit schemes there has been, if one likes, a cross-subsidy arrangement with employees leaving early receiving a low amount of employer contributions and employees retiring later after five, 10 or 20 years receiving a much higher benefit. I am seeking to clarify whether some calculations have been made of the benefits that would be derived by employees when they leave the scheme. If the scheme is to be changed from a defined benefit scheme into a cumulative scheme, there could be quite significant differences in the amounts of benefit paid to employees at a given time. It could also mean that employees who retire receive considerably higher benefits from a defined benefit scheme than from a cumulative scheme. That has a significant impact on employees facing retirement. That is why I am seeking to clarify whether such changes will occur. Perhaps the Minister can clarify what is the intent with the new scheme and whether it is intended to be a defined benefit scheme as it is currently or a cumulative scheme. As I read the federal Act the emphasis is on cumulative, pay as you go schemes and not defined benefit schemes. Perhaps the Minister could confirm whether that is the case and, if it is, how the benefits currently available are to be aligned with the benefits proposed to be available under the trust deed.

Mr OMODEI: The scheme is currently a defined benefit scheme. I have no information from the trustees that they intend to change it to a cumulative scheme, but I certainly can obtain a copy of the trust deed. Of course the trustees will be managing the fund by their own judgment, controlled, of course, by the federal legislation. I cannot predict what will be the performance of the fund. It will be managed by the trustees, and I have already outlined the membership of the trust. It will depend on the wisdom of their investments. If the stock market crashes again and they are heavily trading in stocks the fund will be depleted accordingly. Therefore, I cannot make any predictions without buying a crystal ball.

Mr BROWN: I stress the importance of that matter in this way: In a defined benefit scheme it really has not mattered a great deal to members of the scheme whether the trustees of the scheme have been making wise investments; the employer will pick up the cost of the potential benefits to be paid out under the scheme. When a defined benefit scheme is making significant income, that income is not passed on to the contributors. It results in a lower employer contribution. The trustees of one of the larger companies in Australia which has a defined benefit scheme were extremely successful in obtaining a higher return. Their success resulted in a massive surplus of millions of dollars and the employer did not have to make a contribution to the scheme. The question of whether the trustees were successful made no difference to the members. If the trustees were not successful the employer would make a larger contribution and if the trustees were successful the employer would make a lower contribution or none at all.

I refer members to the famous case in the High Court where a company - it may have been BHP - argued that the surplus funds of the defined benefit scheme were the employers, not the members. If we move to the schemes envisaged under the federal Act employers will be required to move to a cumulative scheme. That is where the expertise of the trustees becomes critical from the employee contributors' perspective. Unless the trustees of the scheme are prudent in every way and select good funds and investment managers, it will have an impact on the employees. The two structures are quite different.

The other change is that many of the defined benefit schemes had a weighting against short term employees in favour of long term employees. In a number of schemes an employee who had been a member for a year and left his employ would receive 10 per

cent of the employer contribution. After two years he would receive 20 per cent. The term of service determines the level of employer contribution paid out. If a person reaches retirement age he receives either a pension amount or a lump sum payment. Those schemes were skewed in favour of longer serving employees, particularly those who retire.

Moving from a defined benefit scheme to a cumulative scheme can have a significant impact on the ultimate benefit paid out, particularly if there is not a formula which sets out the amount an employee would be entitled to at a given point of time and then providing for an interest payment on that. That situation is not provided for in this Bill and the trust deed could work to the disadvantage of employees through no fault of the employer, but simply by applying a different structure.

The reason I seek information on this aspect is that last year changes to the government employees superannuation scheme were debated in this place. I admit it was a different scheme. However, members were assured of a number of things during that debate. Subsequent to the passing of that legislation I have found that some employees were disadvantaged by it. Some of my constituents have asked me why I did not put that issue under greater scrutiny. I know that some of my constituents are employees of the Perth City Council. Only a short time ago one of them was in my office. He will retire within the next few years and I want to be able to look him in the eye - that is something I could not do with some of my other constituents - and tell him that I asked questions when this matter was raised in the Parliament. It is no good my saying that I received assurances at the time. I must be in a position to say that it is reflected in the law. That is the reason I have gone on about this issue. For many workers the superannuation payment is the only large payment they receive in their life and when it has gone there is no more to come. They must plan their lifestyle around that payment. It is a very serious matter for them and they will, quite rightly, ask me those difficult questions.

Mr OMODEI: The reason the Government introduced this legislation into the Parliament is that the current scheme does not comply with the federal legislation. There is a requirement upon this Government to bring its legislation into line with the federal legislation. The same thing was done with the local government superannuation scheme. I am not in a position to say what the performance by the trustees or the fund will be. The trustees will have to report to their shareholders on an ongoing basis. Of course, the trustees will also have to report to the Insurance Superannuation Commission which is a federal body. I expect that there will be a number of watchdogs to keep the trustees in line. I will obtain a copy of the trust deed for the member. Apart from that I can assure the member that I am as concerned as he is about the future of the superannuants of the Perth City Council. Many people have come to me about the performance of the government scheme.

We have not concentrated on the details of the trust or what the trustees could embark upon as an investment or performance criteria for the superannuation fund. I will be watching the fund's performance as closely as he will.

Mr BROWN: Is it the Minister's intention to ensure that benefits will not be reduced? If any benefit is reduced in comparison with the existing fund, will he be receptive to introducing amending legislation to ensure that such benefits are reinstated?

Mr Omodei: I cannot guarantee what the trust will do. It has to comply with the commonwealth law; that is, it will be scrutinised by the ISC. It will not be necessary for me to go to the lengths of introducing amending legislation if the ISC does its job properly.

Mr BROWN: The benefits of the scheme may be detrimentally affected in two ways. Firstly, if the trustee does not exercise proper prudential care of the fund and make wise investments, then obviously it would be improper for the Minister to ask the Government to pass legislation because of the inadequacies of the trustee. I do not seek that assurance from the Minister. I do not know whether this Bill does, but it could alter the structure of the fund in such a way that the benefits are reduced. It would have nothing to do with the trustee's capability or the wisdom of the investments. It could alter the structure of the

fund which would have an impact on the benefit payable to an employee. I take it from the Minister's comments that it is not the intention of the Government to reduce benefits. If that happens, not as a result of imprudent investment by the trustees but because of the structure and the way funds are paid out under the trust deed -

Mr Omodei: The trust deed must comply with the ISC and we have no control over that. If it complies with the ISC conditions, the Government has no say in it.

Mr BROWN: The Minister may find that with the move to a cumulative scheme, as opposed to a defined benefit scheme, in order to retain the end benefits for existing employees, it may be necessary for a higher contribution to be paid by the employer. Would the Government be receptive to introducing a Bill to bring the benefits to the existing level of benefits - not to make up any deficiency in the trustees but in terms of the structure of the fund - if they were in any way reduced by virtue of the structure the Government intends to introduce under this Bill?

Mr OMODEI: The request is unreasonable. The member is saying that if the defined benefit scheme does not work to the advantage of the superannuants, we should change the Bill to require the trustees to put in place a cumulative fund. That is not in line with the intent of the legislation. The Government has sought to bring the Perth City Council superannuation fund in line with the commonwealth legislation, and it does not get into the detail of what the trustees should do. I presume that the trust deed is in line with the requirements of the ISC of Australia, and I am confident that the ISC will ensure the trust deed gives the maximum benefit to the recipients of the fund. I cannot give an assurance that I will introduce a Bill to amend the scheme, and I do not know whether I could do so anyway.

Mr RIEBELING: I move -

> Page 5, after line 21 - To insert the following -
>
> > (5) A person who becomes an employee of any of the Towns of Cambridge, Shepperton or Vincent shall be a member of and subject to the City of Perth scheme unless he or she elects to be a member of the industry scheme.

It is staggering that the Minister pretends that the benefits will not be affected, does not know what the impact of reduced membership will be on the scheme, and is waiting for advice from WAMA to determine the impact. If the Minister accepted this amendment, it would give him an opportunity to obtain the advice he should have already sought. In those circumstances the current system would be retained for the foreseeable future, until such time as the local government industry could comment on what it thinks should happen as far as competition is concerned. I hope the Minister will take the amendment seriously and take the opportunity to inform himself of the impact of these changes. The Minister should be able to obtain information about the viability and structure of the system and how low that membership can go before it affects the viability of the system. When proposed changes have a significant impact on the structure of a scheme, the Minister should be aware of the effect of those changes before making them.

Mr Omodei: If that is the case, do you think the trustees would ask me to expand it? To date they have not asked me and don't appear to be planning to, as I mentioned in the second reading speech. The actuaries have not said they want the scheme expanded.

Mr RIEBELING: People who have spoken to me have expressed concern about the long term future.

Mr Omodei: Which people?

Mr RIEBELING: I presume the same people to whom the Minister has spoken. They seem to say different things to us. They expect this Government to introduce some form of competition on an industry basis. They say the adverse impact as a result of the reduced membership will not occur for five years. I hope the changes I am suggesting will take place before then. I requested a copy of the deed and have not yet received it. I do not know why. I also requested some briefing notes, which I have not received.

Mr Omodei: We do not have a copy of the deed.

Mr RIEBELING: The Minister indicated that he could obtain one. If a copy of the deed had been supplied, the queries we are raising could have been avoided. I hope the Minister will supply the information requested in future.

Mr OMODEI: The Government will not support the amendment. I have already referred to some of the issues in the second reading debate and at the Committee stage. The existing PCC staff who transfer to the new towns will be able to remain in the current scheme. Those who move to the towns of Vincent, Shepperton or Cambridge will not be forced to change schemes. A new employee in one of the new towns will have no more affinity with the City of Perth than a person from, say, the Town of Claremont. Why should a gardener employed in Vincent in 20 years' time be eligible to join the PCC scheme? The existing staff have the opportunity to join the industry scheme or to remain in the current scheme. New employees will be able to join the industry scheme, as can all other staff in local government. I am not prepared to remove the industry scheme monopoly or to allow the Perth City Council scheme to be thrown open, until such time as there is a call for that action from the industry. The industry is currently polling its members and will consider the responses in October. I presume I will receive some feedback from that meeting and, should I receive a request from the industry, I will consider it at that time.

In other words, if the Western Australian Municipal Association or some of the unions request a change, I will consider it, but at this stage, I do not have any inkling what their view is. We will then have the option of freeing up both the PCC and industry schemes, if that is the wish of the industry. However, if that was the case, the PCC scheme could compete for members against the industry scheme and all the other schemes that exist already. In other words, all the local government employees would be free to join any complying superannuation scheme in the State. That is not what the amendment seeks to do at present. At present, it seeks to free up only the PCC scheme to membership by new employees of the new towns. It would be quite strange for some person at some time in the future in one of the new towns to be superannuated under the PCC scheme when persons employed by a neighbouring council could not be so superannuated. It is premature at this stage to accept the amendment, but I would be more than happy to consider it should the industry require it in future. I know that it will meet in the next few weeks to poll its members, and I will receive that feedback once it completes that process. Therefore, at this stage the Government is not prepared to accept the amendment.

Mr Riebeling: When you say polling the members -

Mr OMODEI: WAMA is polling its members.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Omodei (Minister for Local Government), and transmitted to the Council.

House adjourned at 11.44 pm

QUESTIONS ON NOTICE

CANING - JUVENILE AND ADULT OFFENDERS

298. Mr D.L. SMITH to the Attorney General:

(1) Does the Attorney General support the introduction of the caning of -

(a) juvenile offenders;

(b) adult offenders?

(2) If yes, what are her reasons?

(3) If no, what are her reasons?

(4) When was the cane or birch last lawfully used in Western Australia to punish -

(a) a juvenile offender;

(b) an adult offender?

Mrs EDWARDES replied:

(1)-(3) Government policy does not support the introduction of caning. This method of punishment has been superseded by other strategies to reduce the rate of crime in the community.

(4) The Ministry of Justice advises me the following -

(a) 3 June 1931

(b) 1962-63.

CHILDREN - ORDERS PREVENTING CONTACT, NEW LEGISLATION

301. Mr D.L. SMITH to the Attorney General:

(1) Does the Attorney General intend to legislate to allow parents to seek orders preventing other children and/or other adults from having contact with their children where the parent believes that such contact may be detrimental to the moral behaviour of their child?

(2) If yes, when does the Attorney General intend to introduce such legislation?

(3) If no, why not?

Mrs EDWARDES replied:

(1) No.

(2) Not applicable.

(3) Legislation of the type referred to by the member would normally fall within the responsibility of the Minister for Community Development.

CONNELL, LAURIE - TRIAL
Jurors, Numbers; Fees

315. Mr D.L. SMITH to the Attorney General:

(1) With reference to the recent criminal trial involving Laurie Connell, how many jurors were included in the jury panel for that trial?

(2) How much was -

(a) paid to each member of the panel who was or became a member of the jury;

(b) paid to members of the panel who were not required to be part of the jury?

(3) On how many days were the jury members required to be at court or in deliberation away from the court?

(4) Does the Attorney General believe there is a case for special additional fees being provided to jurors who are involved in such long trials?

(5) If yes, what does the Attorney General propose to do about it?

(6) Will the Attorney General consider a retrospective ex gratia payment to the jury members in this case?

Mrs EDWARDES replied:

(1) 145.

(2) (a)

Home duties	$2 348.90
Home duties - discharged	1 059.80
Private sector - fares only	541.90
Public sector - fares only	466.90
Home duties	2 465.70
Public sector - fares only	385.70
Public sector - fares only	381.90
Private sector - fares only	385.70
Public sector - fares only	381.90
Public sector - fares only	381.90
Home duties	2 326.30
Student-private sector	6 823.71
Home duties - discharged	1 652.20
Private sector	8 297.13
Private sector	6 348.97
Private sector	10 625.90
Private sector - discharged	2 710.20
Private sector - discharged	46.40

Four of the above jurors were paid by their employers while fulfilling jury service and claims for recoup of wages are currently being processed by the Ministry of Justice.

(b) $15 each plus reimbursement of public transport costs.

(3)

At court	104 days
Deliberation	6 days
Total	110 days

(4)-(5) Arrangements were made in the first week of the trial to ensure that jurors were either paid their normal salary by their employers or any loss of income was made up on a weekly basis by the Sheriff's Office. This is a standard practice of the Sheriff's Office for trials of any lengthy duration.

(6) No.

JUSTICE, MINISTRY OF - LAW REFORM
Staff Numbers, Position and Classification

365. Mr D.L. SMITH to the Attorney General:

How many staff in the Ministry of Justice are currently allocated to duties associated with law reform and what is their position and classification?

Mrs EDWARDES replied:

Law reform is an ongoing process of policy and legislative reform across the Ministry of Justice. It is not possible to specify a particular number of staff who are engaged in law reform at any point in time.

FIRE BRIGADE - BUNBURY FIRE STATION
Staff Employment

486. Mr D.L. SMITH to the Minister for Emergency Services:

(1) What was the number of staff employed at the Bunbury Fire Station as at 30 April in the years 1980 to 1991?

(2) What is the reason for the current low level of staffing?

(3) Is the Minister aware of the safety and fire prevention problems being created by this reduced staff level?

(4) What was the number of full time paid staff employed as -

(i) fireman;

(ii) policeman;

(iii) State Emergency Service personnel;

for each of the towns and cities covered by the South West Development Authority and the Peel Development Commission as at 1 May for the years 1970to 1994?

Mr WIESE replied:

(1) The total number of staff between 1980 and 1989 was 11. Between 1989 and 1991 it was 15.

(2) The total number of staff employed at Bunbury Fire Station has not decreased. However on some shifts, staff members who were absent on sick leave, workers' compensation, annual leave or long service leave were not being replaced on a short term basis. The reason was that expenditure on staff costs - wages - was exceeding budget allocations.

(3) The Bunbury brigade is not experiencing any safety and fire prevention problems created by some reduced staff levels. The total firefighting force of Bunbury is made up of permanent employees and volunteers and there are standing operating procedures in place for volunteers to back up the permanent employees as well as the ability to call back off duty staff if necessary.

(4) (i) Fireman -
Up to 1991, 11 firefighters and from 1991 to 1994, 15 firefighters situated in Bunbury.

(ii) Policeman -
I am advised by the Commissioner of Police -

South West Development Authority - only years with staff changes shown -

Town	Year	No of Personnel
Augusta	1990	1
	1991 - 1994	2
Boyup Brook	1970	2
	1971 - 1994	3
Bridgetown	1970	3
	1971 - 1994	4
Bunbury	1970	32
	1971	33
	1973	34
	1974	35
	1976	49
	1977	54
	1983	57
	1986	58

	1987	59
	1988	63
	1989	65
	1990	71
	1991	76
	1992	78
	1993	79
	1994	79
Busselton	1970	6
	1971	8
	1975	9
	1982	11
	1989	12
	1990	13
	1992	14
	1994	15
Donnybrook	1970	2
	1976 - 1994	3
Dunsborough	1970	Nil
	1990 - 1994	2
Collie	1970	10
	1974	12
	1991 - 1994	13
Greenbushes	1970	1
	1977	Closed
Harvey	1970	4
	1971	5
	1976	7
	1977	8
	1994	9
Manjimup	1970	6
	1971	9
	1991 - 1994	11
Margaret River	1970	2
	1976	3
	1979	4
	1985	5
	1989	6
	1991	5
	1992 - 1994	6
Nannup	1970 - 1994	1
Pemberton	1970 - 1994	2
Yarloop	1970	1
	1989 - 1994	2
Peel Development Commission -		
Boddington	1970	1
	1980	2
	1982	3
	1989 - 1994	4
Dwellingup	1976 - 1994	1
Mandurah	1970	4
	1973	6
	1974	9
	1975	10
	1977	15
	1982	17
	1983	20
	1984	22

	1986	24
	1987	25
	1988	27
	1989	33
	1990	34
	1991	43
	1993	49
	1994	48
Pinjarra	1970	5
	1972	8
	1975 - 1994	6
Waroona	1970	1
	1975	2
	1980	3
	1991	4
	1993 - 1994	3

(iii) State Emergency Service personnel -
1978 to 1989 1 member situated in Bunbury
1990 to present 2 members situated in Bunbury

COURT HOUSE, BOULDER - UPGRADING

697. Mr GRILL to the Minister representing the Minister for Lands:

(1) What is the present position with respect to the restoration of the Old Court House building in Burt Street, Boulder?

(2) What budgetary allocation has been made for the cost of the restoration?

(3) What is the proposed timetable in relation to deregulation?

Mr LEWIS replied:

The Minister for Lands has provided the following response -

(1) A contract agreement is being formalised between the BMA and the Commonwealth Bank of Australia for the upgrading of the Old Boulder Court House. The BMA executed the document on 13 September 1994 and forwarded it to the bank for signature - expected completion 10 October 1994. This contract deals with the upgrading of the building and will be followed by a formal lease agreement between the Minister for Works and the Commonwealth Bank for a 10 year lease with the option of a renewal for a further 10 years on a commercial basis. A draft lease document has been accepted by the bank.

(2) $300 000 allocated on 30 July 1993 by DOLA/BMA maintenance funds, $40 000 allocated on 6 September 1994 by DOLA/BMA maintenance funds comprising a total allocation by the State Government of $340 000. The bank has agreed to make a contribution outside of the State's allocation of a sum not to exceed $363 728.

(3) The upgrading of the court house is expected to be completed by March 1995 with the bank taking occupation by the end of April 1995.

CASH CONVERTERS - POLICE DEPARTMENT, ASSISTANCE

707. Mr CATANIA to the Minister for Police:

(1) Why is the Police Department lending its name to enhance the public credibility of Cash Converters?

(2) Has the Minister or the Commissioner of Police authorised the delivery to Cash Converters of any confidential police internal memoranda?

(3) Has the Police Department issued an internal memorandum urging closer cooperation with Cash Converters?

(4) Has any instruction been issued within the Police Department that managers of Cash Converters businesses are to be invited to officer in charge meetings, and if so, who issued that memorandum and by what authority?

(5) Have the managers of Cash Converters businesses been invited to any officer in charge meetings, and if so, was that invitation at the request of any particular officer of the WA Police and was that invitation approved by the commissioner?

Mr WIESE replied:

I am advised by the Commissioner of Police as follows -

(1) The Western Australian Police Department is not lending its name to enhance the public credibility of Cash Converters. The department has a policy of not endorsing or favouring any product or company.

(2) No.

(3) Yes.

(4) No such instruction has been issued. Such a suggestion has been passed on to regional officers by a senior police officer acting on the authority of the Commissioner of Police.

(5) Yes. By a senior police officer acting with the approval of the Commissioner of Police.

FIRE BRIGADE - COMPACT STEEL PTY LTD AND IP14 LAND, GAZETTED FIRE DISTRICT EXCLUSION

740. Mr M. BARNETT to the Minister for Emergency Services:

(1) Is it the Minister's intention to exclude the proposed Compact Steel and the remainder of the IP14 land from gazetted fire district?

(2) How will Compact Steel protect its work force and perform a rescue of personnel in the event of a tragic accident that traps personnel by machinery or fire?

(3) Is it the Minister's intention not to use the facilities of the highly professional trained fire fighters at the new permanently manned Rockingham Fire Station in the event of an accident or disaster which is located only some half a kilometre away from the IP14 land?

(4) How much revenue would be lost to both the Government and the local authority in both a direct and an indirect way by excluding Compact Steel from the gazetted fire district?

(5) Is the Minister aware that by the exclusion, higher costs will be placed on the residents of Rockingham for the funding of the fire station?

(6) Does the Minister support WAMA in its call for an equitable funding of the fire service?

(7) If so, is this contradictory to his proposal?

Mr WIESE replied:

(1) The Rockingham fire district has recently been gazetted a permanent fire district. In addition to this the fire district boundaries are in the process of being extended. I have received a request to exclude the Compact Steel mill from the gazetted fire district. However, no decision on this matter

will be made at this stage. I have instructed the Western Australian Fire Brigades Board to draw the fire district boundary lines around the area of the proposed site for the Compact Steel plant. This area is currently vacant land and therefore there is no requirement to pay the fire levy. Compact Steel has been advised that although the boundary has been changed it does not indicate that the project will remain outside the district.

(2) Consistent with all heavy industry located within the Kwinana industrial area, Compact Steel will become a member of the Kwinana Industries Mutual Aid. As a member of KIMA, Compact Steel would be required to maintain a high level of emergency response capability, with that capability being augmented by the other members of KIMA if required.

(3) If the Western Australian Fire Brigade is required to attend an incident outside any gazetted fire district it may, under the Fire Brigades Act 1942, charge for its services. There are currently before the House amendments to the Fire Brigades Act which include an increase in these charges.

(4)-(5) I do not believe that any revenue will be lost to either the Government or the local authority by excluding Compact Steel from the gazetted fire district. The previous Government supported the existing system whereby the major industries in the Kwinana area are currently excluded from any gazetted fire district and hence do not pay any fire levy. These industries provide their own emergency response capability at no cost to government, the insurance industry or local government. If Compact Steel is eventually treated in the same way such treatment will be an extension of the existing policy which was supported by the previous Government for 10 years.

(6)-(7) There are many forms of fire levy evasion such as off shore insurance, self-insurance, under insurance or non-insurance which exist and have existed for many years, of which the previous State Government was well aware, but unfortunately it failed to address these problems. As the Minister responsible for emergency services I have worked with the Western Australian Municipal Association, the Insurance Council and the Western Australian Fire Brigades Board to initiate a review of all aspects of the funding of the fire service in gazetted fire districts. Quite obviously all parties involved are working together to achieve an equitable funding of the fire service.

ALCOHOL ADVISORY COUNCIL OF WA - 0.02 PER CENT BLOOD ALCOHOL LIMIT RECOMMENDATION

872. Mr BROWN to the Minister for Police:

(1) Is the Minister aware the Alcohol Advisory Council of Western Australia recommends a 0.02 per cent blood alcohol limit be introduced for all drivers in their first three years of driving?

(2) Does the Minister intend to implement the recommendation?

(3) If not, why not?

Mr WIESE replied:

(1) Yes.

(2) Not at the present time.

(3) It is considered that current legislation adequately covers all aspects of drink related driving offences and provides necessary education and deterrence.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

876. Dr WATSON to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs; Tourism; Minister representing the Minister for Finance:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr COURT replied:

Treasury -
(1) One.
(2)-(3) Nil.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BankWest -
(1) Appointed - two people.
Reappointed - three people.
(2) None.
(3) One.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Public Sector Management Office -
(1) Five.
(2) None.
(3) Not applicable.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

GoldCorp -
(1)-(2) The only appointment to Gold Corporation's board since February 1993 has been the reappointment of the corporation's chief executive officer, Don Mackay-Coghill, for a period of three years to 25 July 1994.
(3) None.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

State Taxation -
(1) Three.
(2)-(3) One.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Valuer General -
(1) The Valuer General's Office has no boards.
(2)-(3) Not applicable.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Government Employees Superannuation Board -
(1) One.
(2) Nil.
(3) One - see below.
Note - In respect of GESB, the Minister has an involvement in the appointment of only four out of seven board members - the chairman and three employer representatives. The three member representatives are appointed by elections conducted by the Trades and Labor Council. In regard to (3) above, the term of Ms C. Hayward - member representative - expired on 6 February 1993 and she was reappointed by election from 7 February 1993.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

State Government Insurance Commission -
(1) Four new appointments and one reappointment to the board of the State Government Insurance Commission.
(2) None.
(3) One.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Lotteries Commission -
(1) Five.
(2) Two.
(3) Not applicable.
Note - Two women have resigned in that time from the previous board of the commission.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Racing and Gaming -
(1) Gaming Commission of WA
Members 1
Deputy members 2

Burswood Park Board
Members 7

Totalisator Agency Board
Members 7
Deputy members 6

WA Greyhound Racing Association
Members 6

Racecourse Development Trust
Members 6
Deputy members 4

Betting Control Board
Members 6
Deputy members 5

Racing Penalties Appeal Tribunal
Members 8

(2) Three
(3) Two.

Note - In the case of the TAB, Racecourse Development Trust, Betting Control Board and Burswood Park Board - a number of the appointments are made by the Minister on the nomination of the various sectors of the racing and gaming industry. In these cases the Minister has no discretion and must accept the nominations.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Government Property Office -
(1) Nil.
(2)-(3) Not applicable.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

WA Tourism Commission
(1) Eleven.
(2) Four.
(3) Three.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Office of State Administration
(1) Nil.
(2)-(3) Not applicable.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Public Service Commission
(1)-(4) The information requested for parts (1) to (4) is supplied by the Public Sector Management Office.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

879. Dr WATSON to the Minister for Primary Industry; Fisheries:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr HOUSE replied:

(1)-(4) Appointments to boards and committees are based on merit and the degree of expertise that the appointee will bring with him or her to the particular position.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

881. Dr WATSON to the Attorney General; Minister for Women's Interests; Parliamentary and Electoral Affairs; Minister representing the Minister for Fair Trading:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mrs EDWARDES replied:

The following figures are provided on the advice of the respective departments and agencies -

(1) 114.
(2) 48.
(3) 34.
(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

882. Dr WATSON to the Minister for Water Resources; Local Government:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr OMODEI replied:

Water Authority of Western Australia -
(1) 2.
(2) 1.
(3) 1.

Western Australian Water Resources Council -
(1) 3.
(2) Nil.
(3) Nil.

Busselton Water Board -
(1) 4.
(2) 1.
(3) 1.

Bunbury Water Board -
(1) Appointments are determined by the results of council elections - the chairman and 12 board members.
(2) May 1993 - 4.
May 1994 - 3.
(3) 1993 - 2.
1994 - 1.

With reference to the Local Government portfolio -
(1) 33.
(2) 11.
(3) 6.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

883. Dr WATSON to the Minister for the Environment; Disability Services; Minister representing the Minister for Health:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr MINSON replied:

Disability Services Commission -

(1) The 14 member Advisory Council for Disability was appointed at the end of November 1993. The nine member board of the Disability Services Commission was appointed on 23 December 1993.

(2) Nine of the 14 members appointed to the advisory council were women. Four of the nine members appointed to the board of the Disability Services Commission were women.

(3) No members' terms have expired since February 1993.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Department of Conservation and Land Management

(1) Eleven appointments to the National Parks and Nature Conservation Authority have been made since February 1993. This included three reappointments.

(2) Two.

(3) None has expired, but one of the two resolved not to take up the position.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Kings Park and Botanic Garden

(1) Terms of Kings Park Board expired on 19 March 1994. Terms extended to 23 May 1994. Five new members appointed from 20 June 1994. One member reappointed from 20 June 1994.

(2) Three on the new board.

(3) Two.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Waterways Commission and Swan River Trust

(1)

	Men	Women
Wilson Inlet Management Authority	11	1
Avon River Management Authority	11	1
Peel Inlet Management Authority	8	0
Leschenault Inlet Management Authority	3	1
Albany Waterways Management Authority	2	0
Swan River Trust	1	0

(2)

Wilson Inlet Management Authority	1
Avon River Management Authority	1
Leschenault Inlet Management Authority	1

(3) Peel Inlet Management Authority 1
A replacement has not yet been appointed.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Perth Zoological Gardens

(1) Since February 1993 the Minister has appointed three people to the Zoological Gardens Board.

(2) None of these were women.

(3) On the Zoological Gardens Board, one woman member's term has expired and one woman member has resigned.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Department of Environmental Protection

(1) Environmental Protection Authority - five.

(2) One.

(3) Nil.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

The Minister for Health has provided the following reply -

(1)-(3) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question concerning a particular board or committee I would be pleased to respond.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

884. Dr WATSON to the Minister for Community Development; the Family; Seniors; Minister representing the Minister for the Arts:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr NICHOLLS replied:

Community Development; The Family -

(1) In the Community Development portfolio six people have been appointed.

(2) Five.

(3) One.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Seniors -

(1)-(3) None.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

Answer provided by the Minister for the Arts -

(1) Department for the Arts -

Cultural Centre Development Committee: Eight appointments.

Ministerial Arts Advisory Board: The board has six members. To date eight people have been appointed to the board.

Art Assessment Panels: Members of the department's arts assessment panels have been appointed twice since February 1993. However, the same members were appointed at each time.

Panel	No of Members
Aboriginal Arts	7
Community Arts	7
Regional Arts	7
Dance Arts	7
Literature	7
Music	7
Theatre	8
Visual Arts and Crafts	7
Public Art Task Force	12

Perth Theatre Trust Board: Six.

Western Australian Museum Board: Five people have been appointed to the Museum Board of Trustee since February 1993.

Library and Information Service of WA Board: Seven.

Art Gallery of Western Australia Board: Three members have been appointed to the board since February 1993.

Screen West Board: Six plus two reappointments.

(2) Department for the Arts -

Cultural Centre Development Committee: Four direct appointments by the Minister for the Arts, one of whom is a woman. Four representatives of other Ministers and the Perth City Commissioners. None of these representatives is a woman.

Panel	No of Women
Aboriginal Arts	4
Community Arts	4
Regional Arts	4
Dance Arts	5
Literature	3
Music	1
Theatre	3
Visual Arts and Crafts	5
Public Art Task Force	3

Perth Theatre Trust Board: One woman.

Western Australian Museum Board: One woman.

Library and Information Service of WA Board: Three women.

Art Gallery of Western Australia Board: Two women.

Screen West Board: Three women.

(3) Department for the Arts

Cultural Centre Development Committee: Nil. This is a new committee established in June 1994, replacing the previous Cultural Centre Planning Committee.

Ministerial Arts Advisory Board: Nil.

Art Assessment Panels -
Nil. The Minister has only appointed panels since December 1993.

Public Art Task Force: One woman.

Perth Theatre Trust Board: Three.

Western Australian Museum Board: Two.

Library and Information Service of WA Board: Four.

Art Gallery of Western Australia Board: The term of one woman member expired on 19 September 1993 and one woman member resigned on 10 May 1993.

Screen West Board: None.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

885. Dr WATSON to the Minister for Labour Relations; Works; Services; Multicultural and Ethnic Affairs:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr KIERATH replied:

(1) (a) Department of Productivity and Labour Relations - 12.
(b) Department of Occupational Health, Safety and Welfare - 12.
(c) WorkCover - 22.
(d) Building Management Authority - three.
(e) Department of State Services - three.

(2) (a) None.
(b) Two.
(c) Two.
(d) None.
(e) None.

(3) (a) One - nominations are currently being called for this position.
(b) Three.
(c) Two.
(d) None.
(e) None.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

886. Dr WATSON to the Minister for Police; Emergency Services:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr WIESE replied:

(1) Police Nil.
Emergency Services One.

(2) Police Not applicable.
Emergency Services One.

(3) Police Not applicable.
Emergency Services One.

(4) The Government actively seeks to find qualified women for appointments to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

887. Dr WATSON to the Minister for Planning; Heritage; Minister representing the Minister for Lands; Transport:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

Mr LEWIS replied:

Planning

	(1)	(2)	(3)	(4)
East Perth Redevelopment Authority	9	2	3	The Government actively seeks to find qualified women for appointment to boards and committees, as well as line management positions. However, the main criterion is merit, not gender.
Town Planning Appeal Committee	18	2	2	
Subiaco Redevelopment Authority	5	n/a	n/a	
Town Planning Appeal Tribunal	2	1	nil	
State Planning Commission (and its subsidiary councils, boards and committees)	60	12	2	

Heritage

	(1)	(2)	(3)	(4)
Heritage Council of Western Australia	7	3	5	refer to (4) above

Lands

The Minister for Lands has provided the following response -

	(1)	(2)	(3)	(4)
Department of Land Administration	7	nil	nil	)refer to (4)
Western Australian Land Authority	4	1	nil	)above

Transport

The Minister for Transport has provided the following response -

	(1)	(2)	(3)	(4)
Metropolitan (Perth) Passenger Transport Trust	7	2	2	)
Stateships	1	nil	nil	)
Eastern Goldfields Transport Authority	1	nil	nil	)
Fremantle Port Authority	8	1	1	)refer
Esperance Port Authority	1	nil	nil	)to
Albany Port Authority	3	nil	nil	)(4)
Bunbury Port Authority	4	nil	nil	)above
Geraldton Port Authority	3	nil	nil	)
Dampier Port Authority	4	nil	nil	)
Port Hedland Port Authority	6	nil	nil	)

BOARDS AND COMMITTEES, GOVERNMENT - APPOINTMENTS

888. Dr WATSON to the Minister for Aboriginal Affairs; Housing:

(1) Since February 1993, how many people has the Minister appointed to boards and committees in each portfolio under the Minister's administration?

(2) How many of those appointments have been women?

(3) How many terms of women have expired in that time?

(4) What goals does the Minister have in relation to achieving equal representation of men and women on boards and committees in each portfolio?

The answer was tabled.

[See paper No 343.]

GOVERNMENT REPORTS - COMMISSIONED BY DEPARTMENTS, AGENCIES, STATUTORY AUTHORITIES

990. Mr RIPPER to the Minister for Police:

(1) What reports have been commissioned by departments, agencies and/or statutory authorities under the Minister's control since the state election in February 1993?

(2) Which reports are available to the public?

(3) What was the cost of each report?

(4) Who undertook each report?

Mr WIESE replied:

(1) Police Department -

(a) Asset Assessment and Future Development Opportunities for the Maylands Police Complex.

(b) Focus Group Random Breath Test Commercials. Traffic Board 1993.

(c) Evaluation of Education Campaign (Seatbelt). Traffic Board 1993.

(d) Tracking Research for Christmas and Easter Safe Driving Campaigns. Traffic Board 1993.

(e) Evaluation of Education Campaign (Speed) - incomplete. Traffic Board 1994.

(f) Random Breath Test 5th Year Review. Traffic Board 1993.

(g) Bicycle Helmet Attitudes. Traffic Board 1993.

(h) Seat Belt Wearing Rates in Regional Centres. Traffic Board 1994.

(i) Study of Truck Crashes in WA - incomplete. Traffic Board 1993.

(j) Review of Quality of Road Crash Data. Traffic Board 1994.

(k) Literature Review Driver Training and Education - incomplete. Traffic Board 1993.

(l) Scoping Review of the Police Department of Western Australia. 1994.

Bush Fires Board -
The Darling Escarpment Fire Hazard - ministerial working group report to the Minister for Emergency Services.

Western Australian Fire Brigades Board -
Review of the funding arrangements for the WAFBB in permanent gazetted fire districts (recently commenced).

(2) Police Department -
The Arthur Andersen Scoping Review of the Police Department of Western Australia has been made available to the public. None of the other reports have been released to the public but are available on request.

Bush Fires Board -
This report is available to the public.

(3) Police Department -

(a) $5 400

(b) $4 200

(c) $8 000

(d) $25 000

(e) $13 000

(f) $3 676

(g) $3 030

(h) $3 000

(i) $25 000

(j) $2 000

(k) $8 910

(l) $35 000

Bush Fires Board -
No payment incurred for any consultancy fees. Minor printing and stationery costs within the agency only.

Western Australian Fire Brigades Board -
The cost of the review will be $32 250 which will be funded on a tripartite arrangement between the State Government, the Western Australian Municipal Association and the Insurance Council of Australia.

(4) Police Department -

(a) Woodhead Firth Lee. Architects and interior designers.

(b) Donovan Research Marketing and Communications Research Consultants.

(c)-(e) Market Equity, Marketing Research, Planning and Strategy (Consultants).

(f)-(h) Reark Research/Marketing and Social Research Consultants.

(i) Road Accident Prevention Research Unit, University of Western Australia.

(j) Trent Research.

(k) Road Accident Prevention Research Unit, University of Western Australia.

(l) Arthur Andersen & Co.

Bush Fires Board -
The working group comprised: Mr John Day, MLA (chairman), Mr Rob DeBurgh, Mr Barry Duck, Mr Kevin Cuneo, Cr John Ellery, Cr Patricia Hart, Mr Bob Fawcett, Ms Jo Harrison-Ward, Mr Ross Mead, Mr Tony Pestell, Mr Alan Pugh, Mr Neil Robinson, and Mr Graham Rowe.

Western Australian Fire Brigades Board -
Arthur Andersen & Co.

MILK INDUSTRY - DEREGULATION

Vendors, Distribution Adjustment Assistance Scheme

1037. Mr GRILL to the Minister for Primary Industry:

(1) With state government plans to 'deregulate' milk distribution in Western Australia, have all milk vendors/distributors been offered a choice as to whether they stay in or exit the milk industry?

(2) If not, why not?

(3) Has the State Government offered all milk vendors/distributors who want to leave the milk industry fair and ethical payouts which represent the investment and goodwill components of their existing businesses?

(4) If not, why not?

(5) On what date does the State Government plan to terminate the existing licensing system for milk vendors?

(6) On what date does the State Government plan to terminate the distribution adjustment assistance scheme for selected milk vendors?

(7) Is the Minister aware that a milk vendor receiving a 'payment' under the distribution adjustment assistance scheme will be subject to capital gains tax on the payment?

(8) If yes, what does the Minister intend doing about it?

(9) Is the Minister aware that a milk vendor receiving a 'payment' under the distribution adjustment assistance scheme will not be able to work in the milk industry for three (3) years?

(10) If so, what does the Minister intend doing about it?

(11) What are the current terms and conditions which a milk vendor must comply with in order to be eligible for some sort of financial assistance under the distribution adjustment assistance scheme?

(12) What is the current funding assistance criteria which is available to an eligible milk vendor under the distribution adjustment assistance scheme?

(13) Of the existing 240 or so milk vendors in Western Australia, how many might be eligible for some sort of financial assistance under the distribution adjustment assistance scheme?

(14) Is the Minister aware that a milk vendor eligible for some sort of financial assistance under the distribution adjustment assistance scheme will receive a payment (loan) only of between 30 and 65 per cent of the total value of his or her milk round?

Mr HOUSE replied:

(1) Yes.

(2) Not applicable.

(3) All vendors/distributors leaving the industry since January 1993 have been able to apply for financial assistance through a distribution adjustment assistance scheme.

(4) Not applicable.

(5) Licensing of milk vendors will terminate with the passage of the Dairy Industry Amendment Bill currently before the House.

(6) DAAS will be available until July 1997.

(7) A DAAS payment may be assessed as capital gains for taxation purposes; however, the status of net taxation payments will depend on the particular circumstances of the recipient.

(8) The Taxation Department is reviewing the taxation implications of DAAS payments at present.

(9) A requirement of DAAS has been that the applicant and associated persons retire from the industry for three years.

(10) This requirement was introduced to prevent DAAS applicants claiming assistance and continuing to conduct their previous business under

different trading arrangements. The Dairy Industry Authority has adopted amendments to this guideline which could allow a recipient of DAAS to work in the industry in particular circumstances.

(11) From 1 July 1994 applicants for DAAS must not have entered into a delivery contract with a processor and their surrendered trade must be available to be serviced by remaining vendors.

(12) In the case of household vendors, an amount of $20 per litre of licensed trade is available up to a maximum of $20 000 and, for a shop distributor, $50 per litre up to a maximum of $150 000. Total funding for the scheme is $4.75m.

(13) The number of potential DAAS recipients depends on their average trade volume.

(14) DAAS payments are set at rates proposed by an industry working party.

COASTAL MANAGEMENT - NATIONAL COMMITTEE MEETINGS, WA REPRESENTATIONS

1054. Mrs HALLAHAN to the Premier:

(1) Can the Premier confirm that the Government has now taken up the invitation to Western Australia to attend meetings of the National Committee on Coastal Management?

(2) Was WA represented at the committee's recent meeting?

(3) If so, did WA delegates to the committee attend as observers or did they actively represent the interests of this State?

(4) What representation will WA have at future meetings?

(5) If there is to be WA representation, will the persons attending be fully participating and representing this State's interests or will they be observers only?

(6) From which departments would WA representatives be drawn?

Mr COURT replied:

(1) The Government has not taken up the invitation to attend meetings of the Intergovernmental Coastal Working Group in an official capacity.

(2) Western Australia did not attend the last Intergovernmental Coastal Working Group in an official capacity. The role of the State's representatives at the last Intergovernmental Coastal Working Group was to monitor the situation and determine what role the State should have in the process, if any.

(3) See answer to (2).

(4) Representation at further Intergovernmental Coastal Working Group meetings will be decided as they occur.

(5)-(6) See answer to (4).

GOVERNMENT PUBLICATIONS - "EXECUTIVE NEWS"

1106. Mr GRAHAM to the Premier:

Which company printed the document "Executive News"?

Mr COURT replied:

I refer the member to my answer to parliamentary question 944.

GOVERNMENT PUBLICATIONS - "BUREAU BULLETIN"

1116. Mr GRAHAM to the Minister for Tourism:

Which company printed the document "Bureau Bulletin"?

Mr COURT replied:

I refer the member to my answer to question 954.

GOVERNMENT PUBLICATIONS - "WESTERN AUSTRALIAN FARM WATER PLAN"

1117. Mr GRAHAM to the Minister for Water Resources:

Which company printed the document "Western Australian Farm Water Plan - Summary Interim Report, March 1994"?

Mr OMODEI replied:

Muhlings Pty Ltd
7 Cleaver Street
West Perth WA 6005.

GOVERNMENT PUBLICATIONS - "WESTERN AUSTRALIAN FARM WATER PLAN"

1118. Mr GRAHAM to the Minister for Water Resources:

Which company printed the document "Western Australian Farm Water Plan - Interim Report, March 1994"?

Mr OMODEI replied:

Muhlings Pty Ltd
7 Cleaver Street
West Perth WA 6005.

FIRE BRIGADE - VOLUNTEER
Toyota Landcruiser Trayback Vehicles

1142. Mr GRAHAM to the Minister for Emergency Services:

What action has the Minister taken to ensure the supply of air-conditioned Toyota Landcruiser trayback vehicles to units of the Volunteer Fire Brigade?

Mr WIESE replied:

In early August 1994 I raised the issue of the existing policy on air-conditioning in the Western Australian Fire Brigades Board fire fighting vehicles which includes the Toyota Landcruiser trayback vehicles to which the member refers. I indicated my belief that such vehicles operating in the north west and goldfields areas of the State should be equipped with air-conditioning. As a result the board is now reviewing its policy on the air-conditioning of such vehicles. I am awaiting the results of the review and will consider the recommendations in due course.

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1153. Mr GRAHAM to the Minister representing the Minister for Mines:

Will the Minister provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under his control?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following reply -

The Mines portfolio has the following -

Statutory Authorities -
Board of Examiners (Coal Mining)
Board of Examiners (Mine Managers and Underground Supervisors)
Board of Examiners (Quarry Managers)

Coal Industry Board of Reference
Coal Industry Tribunal of Western Australia
Coal Miners' Welfare Board
Coal Mines Accident Relief Fund Trust
Minerals and Energy Research Institute of Western Australia
Mines Survey Board

Boards -
The Board of MERIWA.

Advisory Committees -
Dangerous Goods Liaison Committee
Energy Research Advisory Committee
Geological Survey Liaison Committee
Interim Mines Occupational Health and Safety Advisory Board
Minerals and Energy Research Advisory Committee
Mining Environmental Liaison Committee
Petroleum Environmental Liaison Committee
Petroleum Industry Liaison Committee
Surveys and Mapping Industry Liaison Committee
Mining Industry Liaison Committee

Government Instrumentalities -
Nil

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1154. Mr GRAHAM to the Minister representing the Minister for Lands:

Will the Minister provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under his control?

Mr LEWIS replied:

The Minister for Lands has provided the following reply -

LandCorp -
Western Australian Land Authority
Arena Joondalup Management Committee
Mungari Industrial Estate Advisory Board

Department of Land Administration -
The Department of Land Administration
Pastoral Board
Land Board
Land Surveyors Licensing Board
The Geographic Names Committee

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1159. Mr GRAHAM to the Attorney General:

Will the Attorney General provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under her control?

Mrs EDWARDES replied:

Appeal Costs Committee
Assessor of Criminal Injuries
Charitable Collections Advisory Committee
Children's Panel
Commercial Tribunal
Director of Public Prosecutions

Equal Opportunity Commission
Equal Opportunity Tribunal
Freedom of Information Commissioner
Guardianship and Administration Tribunal
Joint Justice/Health Interdepartmental Council
Justice Coordinating Council
Juvenile Justice Advisory Council
Legal Aid Commission
Law Reform Commission
Law Reporting Advisory Board
Legal Contribution Trust
Legal Costs Committee
Legal Practice Board
Legal Practitioners Complaints Committee
Legal Practitioners Disciplinary Tribunal
Ministry of Justice
Parole Board
Prison Officers Appeal Tribunal
Public Guardian
Public Trust Office
Registrar General's Office
Retirement Villages Disputes Tribunal
Solicitor General
Small Claims Tribunal
State Advisory Committee on Publications
Strata Titles Referee
Victims Advisory Committee
Western Australian Financial Institutions Authority

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1160. Mr GRAHAM to the Minister for Women's Interests:

Will the Minister provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under her control?

Mrs EDWARDES replied:

Office of Women's Interests
Women's Advisory Council

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1161. Mr GRAHAM to the Minister for Parliamentary and Electoral Affairs:

Will the Minister provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under her control?

Mrs EDWARDES replied:

The Western Australian Electoral Commission.

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1162. Mr GRAHAM to the Attorney General:

Will the Attorney General provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under her control?

Mrs EDWARDES replied:

I refer the member to my response to parliamentary question 1159 of 1994.

STATUTORY AUTHORITIES, BOARDS, ADVISORY COMMITTEES, GOVERNMENT INSTRUMENTALITIES - LIST

1179. Mr GRAHAM to the Minister for Emergency Services:

Will the Minister provide a list of all statutory authorities, boards, advisory committees and government instrumentalities in all portfolios under his control?

Mr WIESE replied:

Statutory Authorities -

Bush Fires Board
Western Australian Fire Brigades Board

Boards -

Bush Fires Board
Western Australian Fire Brigades Board
Western Australian Fire Brigades Superannuation Board

Advisory Committees -

State Emergency Management Advisory Committee
Western Australian Hazardous Materials Emergency Management Scheme Coordinating Committee
State Emergency Service Volunteer Advisory Committee

MINISTERIAL TRAVEL - PREMIER
El Questro Station

1197. Mrs HALLAHAN to the Premier:

(1) Did the Premier and his staff recently stay at El Questro Station during a visit to the Kimberley region?

(2) What was the cost to the taxpayer of this accommodation -

(a) for the Premier;

(b) for accompanying staff?

(3) Did any other government officers stay at El Questro during the Premier's visit?

(4) If yes, what was the cost of their accommodation?

(5) What was the purpose of the Premier's visit to El Questro?

Mr COURT replied:

(1) Yes.

(2) (a) $237

(b) There were no accompanying staff.

(3) Yes. The Chairman of the Western Australian Tourism Commission, Kevin Harrison.

(4) $237.

(5) The Premier accompanied Mr Ken Cowley, Chairman, Ansett Australia and Mr Graham McMahon, Managing Director, Ansett Australia, to encourage further tourism and tourism infrastructure to Western Australia.

WEST PERTH HANDOVER CENTRE - FUNDING

1222. Mr BROWN to the Attorney General:

(1) Is the Attorney General aware of an article that appeared in *The West Australian* on 13 August 1994 concerning the West Perth Handover Centre?

(2) Has the centre made an application to the Government for funds to enable it to employ a staff member to supervise visits between parents and children as well as provide parents with a place to hand over children after access visits?

(3) Have funds been provided to the centre?

(4) If not, why not?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3)-(4) The application dated 30 August 1994 has only recently been received and is currently being considered.

OIL - DISPOSAL, LANDFILL SITES

1231. Mrs ROBERTS to the Minister for the Environment:

(1) Is oil banned from landfill?

(2) Are retailers of oil required to take back waste oil in those areas without an oil recycling collection service?

(3) Which landfill sites in the metropolitan area provide storage facilities for oil?

Mr MINSON replied:

(1) It is the policy of the Department of Environmental Protection that no liquid waste, including oil, should be disposed of in landfills. I am advised that some rural waste disposal sites have liquid waste disposal ponds collocated at the solid waste landfill site.

(2) No, currently all forms of recycling are conducted on a voluntary basis; in this case waste oil recycling makes economic sense.

(3) I am advised that most if not all metropolitan landfills provide storage facilities for waste oil.

DISABILITY SERVICES COMMISSION - CONSUMER GRIEVANCES SERVICE

1237. Dr WATSON to the Minister for Disability Services:

(1) When was the Disability Services Commission's consumer grievances officer appointed?

(2) How many grievances/complaints have been received since the appointment?

(3) What is the nature of those complaints by category?

(4) How are clients of the Disability Services Commission informed that this service is now available?

(5) In what format/s is information provided?

(6) Is the format/s in which such information is provided to clients of the Disability Services Commission appropriate?

Mr MINSON replied:

(1) 30 May 1994.

(2) One complaint inquiry.

(3) Basic complaint about improved access to services.

(4) Information leaflets about the Consumer Grievance Service are being prepared. They will be sent to every consumer who receives a service from the commission and their families/carers. In the meantime, Disability Services Commission staff are informing clients of the service.

(5) The standard information pamphlets are being prepared in plain English and COMPIC; that is, computerised pictograph.

(6) Yes.

DISABILITY SERVICES COMMISSION - RESIDENTS OF HOSTELS, INCOME MANAGEMENT

1238. Dr WATSON to the Minister for Disability Services:

(1) Are residents of Disability Services Commission hostels and facilities taught and encouraged to manage their income?

(2) If so, by whom?

(3) Does the Minister condone the commission's recently issued policy that residents maintain a reserve in the bank of $3 500 for their funeral?

(4) Does the commission have statutory or any other power to prevent residents "breaching" this "reserve" of $3 500?

(5) If yes, what is that authority?

Mr MINSON replied:

(1) Yes.

(2) Direct care staff, principally social trainers.

(3) The commission does not have a policy that residents maintain a reserve in the bank of $3 500 for their funeral. If the member is referring to an article that was published in the "Northern Region Newsletter" at the request of councillors on the Regional Advisory Council (May 1994), the article sought feedback from families about financial provisions for funerals. Northern Metropolitan Region staff consider the costs of funerals along with other issues - that is, the usual lifestyle and personal choices of the individual, family perspective, etc - when advising clients in regard to expenditure. The newsletter article is ambiguous and the region has prepared a follow-up article for its forthcoming issue in November 1994.

(4) No.

(5) Refer above.

DISABILITY SERVICES COMMISSION - AUTHORITY FOR INTELLECTUALLY HANDICAPPED PERSONS

Social Trainers; Clients; Violence Reports

1239. Dr WATSON to the Minister for Disability Services:

(1) How many clients with intellectual disability of the Authority for Intellectually Handicapped Persons/Disability Services Commission were registered in -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94?

(2) How many social trainers were employed by the Authority for Intellectually Handicapped Persons/Disability Services Commission in -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94?

(3) What is the preferred ratio of social trainers to clients?

(4) What is the actual ratio of social trainers to clients?

(5) How many unfilled social trainer positions are there at the Disability Services Commission?

(6) Is the same sex social trainer always assigned to give personal care in Disability Services Commission facilities?

(7) If not, why not?

(8) How many instances of workplace violence have been reported by Authority for Intellectually Handicapped Persons/Disability Services Commission social trainers in -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94?

(9) How many instances of property damage for which an Authority for Intellectually Handicapped Persons/Disability Services Commission client is deemed responsible have been reported in -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94?

(10) How is the cost of such damage met?

(11) How many workers' compensation claims have been made by the Authority for Intellectually Handicapped Persons/Disability Services Commission social trainers in -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94?

(12) How many claims each year were for back injury?

(13) How many claims each year were for stress-related illnesses?

(14) What kinds of programs are in place to prevent work-related back injuries and stress-related illness?

Mr MINSON replied:

(1) (a) 1991-92 7 721

(b) 1992-93 7 909

(c) 1993-94 8 220

(2) (a) 1991-92 - only aggregate employee numbers available.

(b) 1992-93 - 871 FTE average staffing level.

(c) 1993-94 - 880 FTE average staffing level.

(3) Social trainers provide support in the accommodation and individual and family support programs.

Accommodation -
The preferred ratio of social trainers on shift varies and is dependent on the type of accommodation provided and the individual needs of clients. Social trainer to client on shift ratio may be classified into four discrete areas -

duplex accommodation - 1:4
group home accommodation - 1:3 to 5
(actual ratio will depend on the level of competency of the residents)
hostel accommodation - 1:4 to 6
high support needs - 1:3 to 4
(ratio is dependent on the activity within the unit at particular time; for example, evening meal, bathing etc).

Individual and Family Support -
This covers services provided to clients in the community with case loads varying according to clients' requirements and is 1:10 to 16.

(4) Accommodation -
Actual ratio -

duplex accommodation - 1:4
group home accommodation - 1:3 to 5
(actual ratio will depend on the level of competency of the residents)
hostel accommodation - 1:4 to 6
high support needs - 1:4

Individual and Family Support -
1:10 to 20.

(5) Twenty-seven.

(6) No.

(7) The ratio of male to female staff in units across the commission is not equal. In units which house male and female clients, the staff ratio may result in one staff member on duty per shift. Male or female staff may also be on days off or on leave, and this results in all male or female staff being on roster for a shift. In units that are staffed by more than one staff member per shift, where possible female staff work with female clients and male staff with male clients. Staff will go to considerable lengths to ensure that this occurs when dealing with personal care.

(8) The commission does not maintain a database of incident reports (serious disruptive incidents). Each incident is assessed and client program needs identified if the incident is of an aggressive nature.

(9) No information is maintained on property damage caused by clients.

(10) Met within budget allocation for repairs and maintenance.

(11) (a) 1991-92 225
(b) 1992-93 182
(c) 1993-94 153

(12) 1991-92 43
1992-93 34
1993-94 18

(13) 1991-92 5
1992-93 9
1993-94 6

(14) Back injury programs -

induction and ongoing training;
assessment of client handling needs;
identified safe work practices and procedures;
regional support by physiotherapists and occupational therapists;
specialised equipment;
modified motor vehicles;
lifting equipment and mechanical aids;
building modifications and designed accommodation;
utilisation of job safety analysis: physical demands criteria for pre-employment and rehabilitation;
maintenance of database on cause of workers' compensation claim (Riskpak).

Stress-related illness -

early intervention program upon identification of stress symptoms prior to receipt of workers' compensation claim;
employee assistance program (INDRAD);
peer support team (formal trauma response);
support by regional psychologists;
interaction by line managers.

DISABILITY SERVICES - PLANS, GOVERNMENT AGENCIES AND LOCAL AUTHORITIES

1241. Dr WATSON to the Minister for Disability Services:

(1) Which state government agencies have prepared a disability services plan?

(2) Which local authorities have prepared a disability services plan?

Mr MINSON replied:

(1)-(2) None.

DISABILITY SERVICES - "TRANSPORT FOR PEOPLE WITH DISABILITIES " REPORT

1242. Dr WATSON to the Minister for Disability Services:

(1) What is the Minister's response to the recent report "Transport for People With Disabilities"?

(2) How will the proposed options be dealt with?

(3) Will the Minister establish a working party or other form of commitment to choose between and implement options?

(4) Can the Minister assure the Parliament that any such group will include a number of people with disabilities as full members?

Mr MINSON replied:

(1) The report to which the member is referring has been prepared under the auspices of the Australian Council on Disabilities. I am pleased to say that representatives of the Disability Services Commission have been represented on the steering committee responsible for the project and have had input into the report. I welcome this initiative by ACROD. Transport remains an area of major concern to people with disabilities and is central to their ability to access services and facilities and participate fully in community life. The report will provide the impetus for change and sets out a number of options for consideration by government and the disability field.

(2)-(3) See (4).

(4) It is my understanding that ACROD is presently undertaking public consultations on the contents of the report prior to finalising the recommendations. A number of recommendations have major implications for non-government agencies operating in the disability field and it is important that their views and those of individuals with disability are fully canvassed. It would be inappropriate to decide on the means for progressing the matter until reforms are known. I can, however, assure the member that I will be asking the Minister for Transport to ensure that people with disabilities are effectively involved in the implementation process. In the meantime, the member may be interested to know that the Department of Transport is working with representatives of the Disability Services Commission to identify reforms to the public transport system for implementation within the next 12 months. Relevant recommendations of the ACROD report will be taken into account in that process. People with disabilities will be consulted about the proposal developed by the working group.

HOMESWEST - QUEENS PARK, SECURITY UPGRADES

1244. Dr WATSON to the Minister for Housing:

(1) How much money has been allocated for upgrading security on older Homeswest houses?

(2) Over what time period will these upgrades occur?

(3) What kind of security will be fitted?

(4) Have any upgrades been done in Queens Park?

(5) What budget allocation has been made for Queens Park?

(6) What budget is needed to provide a security upgrade for all houses in Queens Park?

Mr PRINCE replied:

(1) $1 350 000 in 1994-95. The priority is for aged persons' units, density units, areas of high crime, and medical reasons.

(2) As this is a needs-based program it is reviewed annually.

(3) The security fitted will be barrier screen doors, barrier screens to windows (aged persons' accommodation and special cases only), window locks to sliding doors, and deadlocks to external doors.

(4) Yes.

(5) $10 000 in 1994-95.

(6) Approximately $220 000.

DOMESTIC VIOLENCE - BUDGETS

1251. Dr WATSON to the Minister for Housing:

(1) What budgets were allocated and spent on issues related to domestic violence (wife assault) in 1993-94?

(2) What budget has been allocated for 1994-95?

(3) What training/education/conference participation has been arranged for officers of the department in -

(a) 1993-94;

(b) 1994-95?

(4) What information has been/will be compiled for public distribution in -

(a) 1993-94;

(b) 1994-95?

(5) Have any reports related to the issue been prepared in 1993-94?

(6) Is there any estimate of the costs associated with domestic violence (wife assault) as they impact on the Minister's portfolio?

Mr PRINCE replied:

(1) $18 120 in 1993-94; this consists of staff training and printed materials.

(2) $20 820 in 1994-95; as above.

(3) (a) In 1993-94, 15 one-day training seminars were held for 152 customer contact staff.

(b) In 1994-95, a series of similar one-day training seminars will be held for customer contact staff and will relate to the services available in their specific area of influence.

(4) (a)-(b) A 10-page booklet titled "Domestic Violence - How Homeswest Can Help" and a pamphlet "Domestic Violence - What Can Homeswest Do?" is printed and distributed to all interested parties on a needs basis.

(5) No. However, Homeswest, in conjunction with the WA Women's Refuge Group, is collecting data on the exit patterns of women leaving crisis accommodation. This data will be used to obtain information on the occurrence of domestic violence.

(6) No.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Herne Hill-Ellenbrook

1266. Mr BROWN to the Minister for Water Resources:

(1) What is the estimated cost of the proposed sewerage line from Herne Hill to Lord Street/Gnangara Road main?

(2) What is the proposed alignment for this sewerage main?

(3) What is the maximum population which this sewerage line will serve and is there considered to be a minimum population to warrant the cost of construction of this sewerage main?

(4) When is it anticipated that the population in this area will reach such a minimum population and what is the anticipated date at which the maximum population might be established?

(5) What is the estimated date of commencement of construction of this sewerage line?

(6) When is it estimated that construction would be completed?

(7) Who and/or which bodies will fund the construction of this sewerage line?

(8) What are the implications of the establishment of a new Gnangara Road deviation onto West Swan Road for the route and cost of construction of this sewerage line?

Mr OMODEI replied:

The authority has considered a pumping station and a pressure main between Herne Hill and Ellenbrook if and when the land is rezoned and developed. Currently the land is zoned rural and there are no proposals to undertake this work. There are no details available.

HOMESWEST - ELLENBROOK DEVELOPMENT

1269. Mr KOBELKE to the Minister for Housing:

(1) At what stage is the joint Homeswest/Sanwa development at Ellenbrook?

(2) What is the anticipated cash contribution which Homeswest will make to the Ellenbrook development?

(3) What has been the cost to date to Homeswest of their involvement in the Ellenbrook joint venture?

(4) How much land does the Ellenbrook development involve?

(5) How many residential building blocks is it anticipated will be provided by the Ellenbrook development?

(6) What are the planned sizes of the residential lots, indicating both the likely smallest and largest sizes, and what will be the average size?

(7) What is the projected population for Ellenbrook when it is completed?

(8) What are the anticipated resident populations of Ellenbrook at the end of 1995, 1996, 1997 and 1998?

(9) What is envisaged to be the mix of Homeswest rental accommodation to total dwellings?

(10) Will a special drainage scheme be required for the Ellenbrook area?

(11) What is the anticipated percentage of the Ellenbrook area which will be under residential development which will require sand fill in order to resolve drainage issues?

(12) What percentage of the site of the Ellenbrook area which will be under residential development will require drainage to lower the watertable in order to enable residential development?

(13) Is the whole or parts of the Ellenbrook development to be fenced as a housing estate and if so what will be the type of any such fencing?

(14) Is the Ellenbrook development as a joint venture required legally to fulfil all state government and local government regulations?

(15) If no to the preceding question, then to what extent is the Ellenbrook development able to be regarded as a government project and therefore not necessarily legally constrained by all state and local government regulations and by-laws?

(16) When will the first residential blocks at Ellenbrook become available to the public?

Mr PRINCE replied:

(1) Land development and building works are expected to commence in October 1994.

(2) Homeswest's estimated maximum cash exposure is $8.4m, exclusive of acquisition, holding costs and preparatory costs prior to June 1993.

(3) $1.9m for preparatory costs up to 30 June 1993 exclusive of acquisition and holding costs.

(4) 1 275 hectares.

(5) 11 500.

(6)

Traditional lots	650-800m^2
Compact lots	350-500m^2
Average	550m^2

(7) Approximately 35 000.

(8) 500; 1 300; 2 400; 3 600 - subject to demand.

(9) Yet to be determined.

(10) Yes.

(11) Approximately 25 per cent.

(12) It is not intended to lower the water table.

(13) No.

(14) Yes.

(15) Not applicable.

(16) Titles will be available March/April 1995.

WESTERN AUSTRALIAN ELECTORAL COMMISSION - CONTRACT WORKERS, SECTION 16 ELECTORAL ACT

1272. Mr KOBELKE to the Minister for Parliamentary and Electoral Affairs:

(1) What procedures have been instituted by the Western Australian Electoral Commission to ensure that officers working for the commission under contract are not disqualified from undertaking such work by section 16 of the Electoral Act 1907?

(2) What are the names of all those people who undertook work for the Electoral Commission under a contract to Execom Pty Ltd, which provided assistance with the current electoral redistribution?

(3) What procedures were provided to ensure that each of the above workers did not contravene section 16 of the Electoral Act 1907?

Mrs EDWARDES replied:

(1) Independent contractors engaged under contracts for service and not contracts of service are not subject to section 16 of the Electoral Act 1907.

(2) The contract with Execom - trading as Access Consulting Services - provides for Mr Gregg Marshman to be one of the contractor's two personnel to be project/manager analyst to undertake the work on the 1994 division of the State. The other person was Mr Garry Trinder to act as contractor project director and quality inspector. Mr Trinder's principal role was to attend steering committee meetings and monitor overall quality. When Mr Trinder has not been available other contractors' personnel who have attended steering committee meetings on a few occasions have been Mr Brian Nockolds and Mr Tony Sutherland.

(3) Clause 7 of the contract provides that the contractor must agree that he has no conflict of interest which might affect his ability to perform his duties under the agreement. Under clause 15 of the contract, each party treats as confidential information which comes into his possession as a result of the agreement. Neither party shall, without the written permission of the other, disclose such confidential information to a third party.

LAND - SHENTON PARK BUSHLAND, PRESERVATION

1274. Mr KOBELKE to the Minister representing the Minister for Lands:

(1) What steps have been taken to preserve the bushland in Shenton Park, south of Lemnos Street, as promised by the Premier?

(2) Who is currently the owner of this land?

(3) Has a decision been made as to who should finally be the owner of this land or in whom it should be vested in order to ensure its protection?

(4) When will the land be transferred in order to fulfil this requirement?

(5) What is the valuation placed on the land?

(6) Who will be responsible for making any payment for the transfer of this land or will it be transferred free of charge with the previous owner authority taking a loss?

Mr LEWIS replied:

The Minister for Lands has provided the following reply -

(1) The land has been set aside as class A reserve 43161 for recreation and conservation by notice published in the *Government Gazette* on 20 September 1994.

(2) The Crown.

(3) It is proposed to vest the reserve in the City of Nedlands subject to that council preparing a management plan to the satisfaction of the Minister for Lands as provided for under section 34A of the Land Act.

(4) Vesting under the Land Act will place care, control and management of the reserve in the City of Nedlands.

(5)-(6) Not applicable.

FREEDOM OF INFORMATION ACT - AGENCIES' INFORMATION STATEMENTS

1275. Mr KOBELKE to the Attorney General:

(1) How many agencies have provided information statements as required under the Freedom of Information Act 1992?

(2) How many agencies have still to provide information statements?

(3) By what date is it required that all agencies as defined under the Freedom of Information Act 1992 have prepared and provided information statements?

Mrs EDWARDES replied:

(1) The Information Commissioner has received 19 to date.

(2) 237.

(3) Information statements are to be published by 1 November 1994 and provided to the Information Commissioner as soon as practicable after publication.

ROOF TILING INDUSTRY - INQUIRY, TRAINING PROBLEM

1277. Mr BROWN to the Minister for Labour Relations:

(1) Did the recent roof tiling inquiry conclude that the lack of training was a problem for consumers and workers alike?

(2) Is the Government taking steps to improve the training provided in the roof tiling industry?

(3) Do the workplace agreements in the roof tiling industry make explicit provision for improving the level of skills in the industry by providing -

(a) a skills based wage structure;

(b) training arrangements;

(c) training leave;

(d) any other provisions which encourages employee parties to acquire higher skills?

Mr KIERATH replied:

(1) The roof tiling inquiry reported that most of the parties who made submissions to the inquiry expressed concerns with the lack of training in the roof tiling industry.

(2) Yes - the Minister for Education; Employment and Training was requested to investigate an appropriate training structure which delivered the requirements of the industry. The industry parties, the Housing Industry Association on behalf of roof tiling manufacturers and the Construction, Forest, Mining and Energy Union have agreed on an apprenticeship for the roof tiling industry. The Building and Construction Industry Employment and Training Council is in the process of developing a curriculum for a roof tiling apprenticeship. The BCIETC anticipates that the curriculum will be completed by the beginning of November 1994 and will then be presented to the State Skills Accreditation Board for accreditation and registration.

(3) I do not know. Such information is confidential between the parties to the workplace agreement.

JUSTICE, MINISTRY OF - DIRECTOR GENERAL, REFERRING REPORTS TO PARLIAMENTARY COMMISSIONER

1279. Mr BROWN to the Attorney General:

(1) Is the Attorney General aware if the Director General of the Ministry of Justice has referred reports on prison operational matters to the Parliamentary Commissioner for comment?

(2) Can the Attorney General provide details of the frequency of such referrals?

(3) Was independent advice or comment sought from the Crown Solicitor's Office prior to these reports being referred by the director general to the Parliamentary Commissioner?

(4) Is it appropriate for the director general to utilise the office of the Parliamentary Commissioner to provide him with comment or advice to assist him in his decision making process on operational matters?

(5) Can the Attorney General advise whether it is common practice for officers to utilise the office of the Parliamentary Commissioner in a way similar to that used by the Director General of the Ministry of Justice?

(6) Has the Crown Solicitor advised the Attorney General that it is ethically questionable for the Parliamentary Commissioner's office to be used in this way?

Mrs EDWARDES replied:

(1) Yes.

(2) Three.

(3)-(5) Matters were referred to the Parliamentary Commissioner to provide further examination of internal inquiries by an independent external body. The Parliamentary Commissioner inquires into matters referred to him if he considers it proper so to do.

(6) No.

WORK CAMPS - OFFICER IN CHARGE; EMPLOYEES; DETAINEES

1280. Mr BROWN to the Attorney General:

(1) Who selected the officer to be in charge of work camps?

(2) Was the position advertised?

(3) What level is being paid to the selected person and what allowances and benefits will be provided to this person?

(4) What is the full time equivalent number of employees planned for the proposed work camp and what conditions and salary package will be provided?

(5) Have any discussions taken place with the relevant unions representing the employees proposed to be employed at the work camp?

(6) How many detainees will be held in the work camps?

(7) What are the projected costs per detainee?

Mrs EDWARDES replied:

(1)-(2) The position is temporary and was filled by secondment for the duration of the pilot program. The officer in charge was selected for secondment on the recommendation of senior Ministry of Justice officers.

(3) The position is classified as level 6 and will receive a district allowance plus benefits normally provided for all superintendents.

(4) The estimated total number of FTEs required for the work camp, including a relief component, is 20. They will be employed under the appropriate guidelines for government employees. Final details of the salary package are still under consideration.

(5) Discussions have taken place with the Civil Service Association. The involvement of the Department of Productivity and Labour Relations and the Western Australian Prison Officers Union will also be sought.

(6) Up to 30 are planned.

(7) Projected recurrent costs are $19 555 per annum.

JUSTICE, MINISTRY OF - STAFF VACANCIES, SENIOR POSITIONS

1282. Mr McGINTY to the Attorney General:

(1) Can the Attorney General advise what senior positions - level 7 and above - within the Ministry of Justice are vacant and for how long they have been vacant?

(2) What steps have been taken to fill these positions?

(3) Is it the intention of the Attorney General or the director general to defer the filling of these vacancies until after proclamation of the Public Sector Management Act?

(4) Can the Attorney General confirm that the director general has not attempted to influence or interfere with the selection process for any positions within the ministry?

(5) Can the Attorney General confirm that the director general has not deliberately delayed the filling of any vacancies within the ministry?

Mrs EDWARDES replied:

(1)

Position No	Level	Function title	Date vacant
Ministry of Justice -			
2044067	8	Director Specialised Operations	1.1.94
1977805	7	Executive Officer	21.6.93
Strategic Services -			
1978767	8	Director	22.6.93
Courts Development -			
1981845	Class 2	Executive Director	31.5.94

Juvenile Justice -			
1858531	9	Director Community Based Services	6.4.92
1858518	8	Assistant Director	9.5.93
0275967	7	Superintendent	16.6.94
Corrective Services -			
1979140	9	Director	22.6.93
1978949	8	Assistant Director Prisons	22.6.93
1583694	7	Manager	6.7.94
0525546	7	Regional Manager	16.10.90
0018030	7	Assistant Superintendent	18.11.93
1705520	7	Assistant Superintendent	7.5.92
0018752	7	Superintendent	15.5.94
1978925	Class 1	Director	22.6.94
Corporate Services -			
1980324	9	Director	23.6.93
1981006	8	Manager	1.7.94
1977398	9	Director	21.6.93
1933371	8	Director	22.1.93
1981018	7	Client Manager	24.6.93
1981195	7	Client Manager	24.6.93
1977726	7	Manager	10.4.94
Crown Solicitors -			
0263199	7/8	Assistant Crown Counsel	15.2.91
1265003	7/8	Assistant Crown Solicitor	30.6.93
0054161	7/8	Assistant Crown Counsel	31.7.91
0923333	7/8	Assistant Crown Solicitor	31.7.91
1817279	7/8	Assistant Crown Solicitor	12.11.91
1910401	7	Senior Advocate	9.2.94
State Corporate Affairs -			
0147308	9	Registrar	28.12.92
0190068	7/8	Assistant Director:Leg	12.3.90
Law Reform -			
0057538	7/8	Senior Research Officer:Leg	24.2.93

(2)-(5) Positions across the ministry are being filled. As the accountable officer for the appointment and promotion of staff with delegations and standards as prescribed in the Public Service staff selection manual and the Public Service administrative instructions, the director general takes a proper interest in the appointment of staff throughout the ministry. The proclamation of the Public Sector Management Act is not relevant to the timelines for filling vacant positions.

PLASTICS - RECYCLING INFRASTRUCTURE, ASSISTANCE

1300. Mrs ROBERTS to the Minister for the Environment:

What is the State Government doing to support plastics recycling infrastructure in Western Australia?

Mr MINSON replied:

The State Government is assisting in the development of plastics recycling infrastructure in Western Australia in a number of ways. In recent years, under both the previous Government and this Government, financial assistance has been provided to recycling companies in the Eastern States. Most of these funds were provided by the publishing industry which established the Publishers National Environment Bureau fund to foster the development of newsprint recycling. The same equipment can be used for plastics collection and sorting. The fund was managed in Western Australia by the recycling industries unit at the Department of Commerce

and Trade; this responsibility has since been transferred to the Office of Waste Management. There are improvements still to be made with some of the domestic recycling collection services operated by some local authorities, and the Government is actively encouraging this, as communities should be also.

The infrastructure required to recycle plastics in Western Australia is now largely in place; what is still lacking is demand for recycled plastic. The emphasis of the Office of Waste Management's work in developing plastics recycling in Western Australia is therefore now mainly directed at improving the demand for recycled plastic products. To this end the Government has launched the recycled products buying guide which includes a diverse range of recycled plastic products. The Office of Waste Management has also commenced a three month investigation, partly funded by the plastics industry, of potential new markets for recycled plastic products, especially those in the public sector. In particular we are looking towards opening up the market for garbage bins and drainage pipe to include recycled plastic content. At present the green wheelie bins seen on our streets contain no recycled plastic. If local government specified a minimum of 25 per cent recycled content, this market alone would absorb all the waste plastic milk and juice bottles generated in Western Australia. The Office of Waste Management is also working closely with the State Supply Commission in a review of the State Government's recycled products purchasing policy with the aim of improving the rate at which government agencies use recycled products, including recycled plastic products. I have asked the Office of Waste Management to keep the member for Glendalough informed on the progress of the market development study and the review of the recycled products purchasing policy.

WATER AUTHORITY OF WESTERN AUSTRALIA - EMPLOYMENT STATISTICS

1312. Mr D.L. SMITH to the Minister for Water Resources:

What was the total number of employees employed by the Water Authority of Western Australia in the following years:

(i) 1990-91
(ii) 1991-92
(iii) 1992-93
(iv) 1993-94
(v) the end of 1995 (anticipated)

in the local authorities of -

(a) Mandurah
(b) Murray
(c) Boddington
(d) Waroona
(e) Harvey
(f) Dardanup
(g) Capel
(h) Bunbury
(i) Busselton
(j) Collie
(k) Boyup Brook
(l) West Arthur
(m) Donnybrook-Balingup
(n) Bridgetown-Greenbushes
(o) Augusta-Margaret River

(p) Nannup
(q) Warren
(r) Denmark
(s) Albany Shire
(t) Albany?

The answer was tabled.

[See paper No 344.]

HOSPITALS - SOUTH WEST
Staff Levels

1315. Mr D.L. SMITH to the Minister representing the Minister for Health:

Broken down into -

(a) administration
(b) nursing
(c) hotel catering and cleaning
(d) gardening
(e) pathology
(f) others

what are the staffing levels for each hospital in the south west in the years 30 June 1991 to 30 June 1994 inclusive?

The answer was tabled.

[See paper No 345.] Note: "Gardening" has been included in the "others" category as it was not possible to separate this data from general maintenance. The "others" category also includes medical support, technical support, medical staff (salaried and sessional), and other staff that do not fall into any of the other categories.

HOSPITALS - SOUTH WEST
Expenditure

1316. Mr D.L. SMITH to the Minister representing the Minister for Health:

With respect to all government hospitals in the south west and for each of the years 1990-91 to 1993-94, what was -

(a) the budget forecast of expenditure;

(b) the actual expenditure?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(a) Budget forecast of expenditure -

Financial years			
1990-91	1991-92	1992-93	1993-94
$	$	$	$
44 290 700	45 134 400	46 041 500	46 847 000

(b) Actual expenditure -

45 283 800	44 986 400	46 217 800	47 232 100

POLICE - STAFF LEVELS

1318. Mr D.L. SMITH to the Minister for Police:

(1) As at 30 June in the years 1991 to 1994, what was the staffing level, broken down into each of the following police stations, and showing how many were police, aides, and other staff, at -

(a) Bunbury
(b) Brunswick
(c) Harvey
(d) Waroona
(e) Yarloop
(f) Pinjarra
(g) Mandurah
(h) Dwellingup
(i) Boddington
(j) Donnybrook
(k) Greenbushes
(l) Bridgetown
(m) Manjimup
(n) Pemberton
(o) Boyup Brook
(p) Nannup
(q) Busselton
(r) Margaret River
(s) Augusta
(t) Dunsborough?

(2) What was the total expenditure at each of the stations for these years?

(3) What were the total numbers of charges laid by officers at these stations for each of these years, broken down into traffic and non-traffic?

(4) For what staffing and on what days were each of these police stations staffed for each day of the week in each of these years?

Mr WIESE replied:

The information sought would require considerable research and I am not prepared to allocate resources for these purposes. If the member has a specific question, I would be pleased to respond.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Australind, Eaton, Burekup, Bunbury; Expenditure

1323. Mrs HALLAHAN to the Minister for Water Resources:

(1) With respect to each of the sewerage schemes in -

(a) Australind;

(b) Eaton;

(c) Burekup;

(d) Bunbury;

what was the -

(i) total expenditure;

(ii) total income;

in each of the following rating years -

1991-92;

1992-93;

1993-94?

(2) What was the total capital expenditure in each of these schemes in these years?

(3) With respect to the operating costs did these include -

(a) administration costs;

(b) depreciation;

(c) interest;

(d) capital reserves;

and, if so, what were the amounts for each of these years?

The answer was tabled.

[See paper No 346.]

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
South West, Expenditure

1324. Mr D.L. SMITH to the Minister for Water Resources:

(1) By way of infill sewerage how much money was spent by the Water Authority of Western Australia in each of the local authorities in the south west, broken down into towns and centres within the local authority, in each of the following years;

(a) 1990-91;

(b) 1991-92;

(c) 1992-93;

(d) 1993-94?

(2) Broken up in the same way, what infill sewerage expenditure is expected in:

(a) 1994-95;

(b) 1995-96;

(c) 1996-97?

(3) In the case of Bunbury areas, whether the amount expended included any moneys for-

(a) the new main sewer from North Bunbury to the southern treatment site;

(b) the southern treatment plant upgrading?

(4) If the answer to (3) is yes, what these amounts were and how much was contributed by -

(a) the State;

(b) the Commonwealth;

(c) developers;

(d) other sources?

The answer was tabled.

[See paper No 347.]

LOCAL GOVERNMENT - DEMOLITION OF BUILDINGS, CERTIFICATION OF WASTE

1338. Mrs ROBERTS to the Minister for Local Government:

Has the Minister given any consideration to establishing for local governments a system of certifying a building free of contamination and hazardous substances prior to demolition?

Mr OMODEI replied:

This matter was considered by the Recycling Regulation Review Committee in August 1994 and it did not recommend certification of construction and demolition waste.

HOSPITALS - MT HENRY
Acting General Manager, Salary

1349. Dr GALLOP to the Minister representing the Minister for Health:

(1) Is the salary level - base salary level and other allowances - for the acting general manager of Mt Henry Hospital in excess of the substantive classification for this post?

(2) If yes -

(a) what is the extra amount being paid;

(b) how does the Health Department justify such a payment?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) No.

(2) Not applicable.

HOMESWEST - MOTOR VEHICLES, LEASE CONTRACT

1356. Mr RIPPER to the Minister for Housing:

(1) Will the Minister table a copy of the report analysing the financial implications for Homeswest for privately leasing its vehicle fleet?

(2) If not, why not?

Mr PRINCE replied:

(1) A joint report was carried out by Treasury, the motor vehicle advisory unit and Homeswest. Homeswest will consult with those other organisations in respect of the tabling of the report.

(2) Not applicable.

STATE PRINT - PROFIT

1358. Mr RIPPER to the Minister for Services:

In an improving economy why has the profit made by the commercial side of State Print declined since the Minister assumed responsibility for this portfolio?

Mr KIERATH replied:

The member is wrong. Since I have become responsible for State Print the profit made for the commercial operations has shown an increase. In 1992-93 the profit was $62 000 and in 1993-94 the profit will be $142 000. This increase is a good result for this operation and was achieved in a time of change, given the Government's policy commitment to privatise State Print.

HOMESWEST - DEVELOPMENT OPPORTUNITY PROGRAM
Port Kennedy Land Sale

1366. Mr KOBELKE to the Minister for Housing:

(1) Under the Development Opportunity Program who were the companies or individuals who tendered to purchase Port Kennedy land?

(2) Which tenderers offered a price equal to or better than the winning tender by Statewise Pty Ltd but were considered to have non-conforming tenders?

Mr PRINCE replied:

(1) Tenders -

Taylor Woodrow	$3 900 000
Statewise Pty Ltd	$3 025 000
Peet & Co	$2 525 550
Greg Rowe & Associates	$2 400 000
Landrow Ltd	$2 250 000
Rockingham Park Pty Ltd	$2 130 000
A.G. Dennis Pty Ltd	$2 030 000
Taylor Woodrow	$1 900 000
Carcione Nominees Pty Ltd	$1 800 000
Davidson Pty Ltd	$1 750 000
Port Kennedy Resorts Pty Ltd	$1 500 000
Peet & Co	$385 550

(2) Taylor Woodrow - This tenderer made numerous amendments and deletions to the tender including the deletion of the clause in relation to the return of 34 lots and a group housing site to Homeswest.

HOMESWEST - DEVELOPMENT OPPORTUNITY PROGRAM
Caversham Land Sale

1367. Mr KOBELKE to the Minister for Housing:

Under the Development Opportunity Program who was the individual or company who tendered for the Caversham land in the second offer and whose tender price was equal to or better than the winning tender from Gardenvale Nominees but whose tender was considered non-conforming?

Mr PRINCE replied:

Caversham -

Tenderers -

Gardenvale Nominees Pty Ltd	$2 625 000
Davidson Pty Ltd	$2 025 000

Late tender (non-conforming) -

United World Corporation Pty Ltd	$3 500 000

United World Corporation Pty Ltd's tender was late and amendments were made to the tender conditions.

QUESTIONS WITHOUT NOTICE

COMMISSION ON GOVERNMENT - APPOINTMENTS

444. Mrs HALLAHAN to the Premier:

I refer the Premier to the Liberal Party's decision in June to ignore recommendations of the Legislative Council's Standing Committee on Legislation on the Commission on Government which said that the terms of reference were too limiting. I remind the Premier of his party's actions to then force government members of the committee to vote against their own recommendation.

Given that the public is not even permitted to attend the questioning of the proposed appointees to the COG, when will the Premier -

(1) apologise for misleading the public about his commitment to a strong and independent Commission on Government; and

(2) admit that his repeated calls while in Opposition for open and accountable government were nothing more than blatant hypocrisy?

Mr COURT replied:

(1)-(2) There is no direction by me to members of the other House, so the first proposition is wrong.

Mrs Hallahan: Who directed them?

Mr COURT: It is a joint committee of both Houses of this Parliament, and it will decide how evidence is heard. It decided that the meeting yesterday would be held in camera. As I understand it, it is meeting the people whom we have put forward, and it will make its views known on those people. The Opposition has made its views known and said that they are a second-rate mob.

Several members interjected.

The SPEAKER: Order! The member for Fremantle.

Mr COURT: That has been said about five people in this community who have the utmost integrity. Members opposite are the last people in this State who can say that someone is part of a second-rate mob.

INDUSTRIAL RELATIONS - POLITICAL DONATIONS, IMPACT ON UNIONS

445. Mrs van de KLASHORST to the Minister for Labour Relations:

Does the Minister agree with claims that the political donations provisions planned for the second wave of industrial relations reforms will be biased against unions?

Mr KIERATH replied:

I assure the House that we will take a very evenhanded approach to this issue. In a debate I had on radio on Friday, I was interested to find out that it appears this approach has even been endorsed by one of the union hierarchy. The TLC assistant secretary, Tony Cooke, when asked whether he thought the proposal would cause a stir in the union movement, replied -

> I don't think it's going to stir that much debate at all, to tell you the truth.

That is his version of it. He went on to say that he thought it was great stuff. He said -

> I think it's great stuff -- I think it's fantastic. . . . in terms of this area of political donations, good for the goose, good for the gander - - good on you Mr Kierath, make it fair.

That is what he said on radio. I support that attitude. Members opposite should understand my surprise when, in contrast to those comments by a trade union official, the opposition spokesperson, the member for Peel, went on radio and said that the legislation would not work and was an attack on the union movement. Obviously there is a difference of opinion in the Opposition ranks.

Mr Marlborough interjected.

The SPEAKER: Order!

Mr KIERATH: It did not stop there. If it had, I could have accepted it.

Mr Marlborough interjected.

The SPEAKER: Order! I formally call to order the member for Peel for the first and second time.

Mr McGinty: At once?

The SPEAKER: Order! Would the member for Fremantle like me to formally call him to order also? I called to order the member for Peel several times and he did not come to order. He continued interjecting even when I rose to my feet. Anyone should be able to work out why I have formally called him to order twice.

Mr KIERATH: The first quarter of the interview with the member for Peel was a nasty personal attack on me based on untruths. During this personal tirade against me, he said that what I had said reflected my hatred of unions. Nothing could be further from the truth. I have done a great deal to ensure that unions have a role to play in the workplace agreement legislation. I have established a committee which meets the unions quarterly through the WA Labour Relations Advisory Council. I meet them also on a regular monthly basis and have added them to a number of committees and planning groups. It is true that I have an intense dislike of unrepresentative, militant trade unions, but I do not have any problems with the moderate and representative ones. In fact, I encourage them because they are in a minority.

That is untruth number one. The second untruth was the lowest of the low when he said that I picked on unions because they gave me a hard time when I was an employer and that I was "a poor employer". It is true that I had a stoush with the unions, but I won the battle. I want to refer to a *Sunday Times* article which was written after it contacted three of the four people who had manufactured charges. The *Sunday Times* could contact only three, who all said that they regarded me as a good employer who had treated them well and still did even to this day, and I sacked at least two of those people for poor performance.

Point of Order

Mr RIPPER: What possible relevance does the Minister's poor record as an employer and his justification of that record have to do with question time in this place?

The SPEAKER: Order! There is no point of order.

Questions without Notice Resumed

Mr KIERATH: The point I was making was that I do not think the actions of the member for Peel did the Opposition any good. Last week, the Leader of the Opposition said that the gloves were off. I hope that he takes the member for Peel aside and tells him to put a sock in it.

POLICE - BRADSHAW, DR WAYNE, INQUIRY

446. Mr McGINTY to the Minister for Police:

Since my question to the Attorney General last Wednesday, has the Minister for Police revealed the contents of or had any discussions with any member of Parliament concerning investigations by the police of an alleged money trail of $15 000 involving Dr Wayne Bradshaw?

Mr WIESE replied:

Mr Speaker -

Mr McGinty interjected.

Mr WIESE: I think the member for Fremantle is probably more interested in trying to make a statement about what he said on 6PR's "News Review" last week. The simple answer to the member's question is no. However, I will go a little further than that.

Mr Ripper: Are you misleading the House again?

Several members interjected.

The SPEAKER: Order!

Mr WIESE: A member opposite just said that is not true. I will give the House an example of the sorts of things the member for Fremantle has been saying not only in the Parliament, but also in the public arena. At 5.50 pm on Friday, 23 September the member for Fremantle made a few statements on 6PR's "News Review" which need to be refuted. Firstly, he said the following about the Attorney General -

Several members interjected.

The SPEAKER: Order!

Mr WIESE: I think the member for Fremantle should have the courtesy to listen to a recitation of the garbage he has been putting out in the media. He said in reference to the Attorney General -

> She has now obtained information about police investigations into herself, namely the search warrant that the police executed against her financial records, from the Minister for Police.

I advise the House that that is a total fabrication. Further on in that 6PR interview the member for Fremantle made a few more statements that need to be dealt with. He went on to say -

> . . . there's the Attorney-General badgering the Minister for Police, for inside information about what was going on.

He made that comment in relation to his walking out of the Parliament immediately after question time. The transcript of the interview reads as follows -

> GANNON
>
> Now this claim that she was badgering the Minister for Police, what do you know about that?
>
> McGINTY
>
> I saw it.
>
> GANNON
>
> You saw it?
>
> McGINTY
>
> I heard it.
>
> GANNON
>
> What did she say to him?
>
> McGINTY
>
> She was demanding of the Minister for Police that he hurry up and get the information from the Police Department in relation to herself.
>
> GANNON
>
> And that's exactly what she said?
>
> McGINTY
>
> Yes.

I advise the House that the member for Fremantle's comments were a total fabrication of the truth. The member who made these comments which are totally untrue has no place in this Parliament.

ROADS - SOUTH STREET, MELVILLE, JURISDICTION CHANGE

447. Mr BOARD to the Minister representing the Minister for Transport:

I have been informed by the City of Melville that South Street is now to come under the jurisdiction of the Main Roads Department. Could the Minister explain why this has come about and what it means to the residents who live in South Street?

Mr LEWIS replied:

During 1993 a review of road classifications was undertaken as a joint project between the Main Roads Department and local government. The review recognised the regional role that South Street plays in the metropolitan road network. It recommended that South Street become a state road and that decision has been accepted by the Government. Arrangements will be made between the Main Roads Department and the City of Melville in the very near future to change over the responsibility for and jurisdiction over South Street.

I emphasise that the change in accountability will not in any way impact on the residents of South Street other than that the Main Roads Department will be responsible for its upkeep and maintenance. The City of Melville will no longer be responsible for the ongoing management of that road.

RETAIL TRADING HOURS - DEREGULATION

448. Mr CATANIA to the Premier:

I refer to the Premier's admission to the Estimates Committee on Tuesday, 23 August 1994 that he is in favour of extended trading hours on weekdays, and to reports this morning that Mr Peter Bartels, Managing Director of Coles Myer, has renewed his calls for deregulated trading hours in Perth. Will the Premier categorically assure the House that the promises made to the electors of Helena will not be broken now the by-election is over, and that the proposal to deregulate trading hours will be scrapped?

Mr COURT replied:

I did not think the member opposite would have the nerve to ask this question. It is true that at the opening of the Morley Galleria last night - a function attended by a number of members of this House - the member for Morley made a speech, if one could hear it, to the effect that it is a pity that the wonderful facility was to be locked up on Sundays.

A commitment has been given for a review to be conducted on trading hours, and that review will be released shortly.

Mr Catania: Will you honour your promises made during the Helena by-election?

Mr COURT: I will tell the member about that by-election: Notices were circulated to the small business people in the area from the member for Balcatta's facsimile machine. He asked all small business people to attend a meeting. He decided to scare them by claiming that the Government would completely deregulate trading hours, outlining what I said in the Estimates Committee and other such things. Generally, the small business people were revved up by the Opposition. Joe Bullock was in the electorate saying that the Government would be extending the trading hours on weekdays as shops would remain open until 9.00 pm. This tactic worked as the small business people became excited. However, we found out that Mr Bullock's union had written to a Minister for Consumer Affairs in the previous Government indicating support for extending trading hours on weekdays. The Minister's letter in reply spelt out clearly why extended hours were wanted on weekdays.

Several members interjected.

The SPEAKER: Order!

Mr COURT: We had the hypocrisy of the Opposition running around the electorate of Helena using these scare tactics, and the poor candidate discovering that his union had supported the extension of trading hours.

Mr Catania interjected.

The SPEAKER: Order! I call to order the member for Balcatta.

Mr COURT: The Government will make its position clear when it completes the necessary work. The former Government made steps towards deregulating trading hours, and I generally supported that thrust; however, when it comes to cheap politics during a by-election campaign, the Opposition should get its facts right.

POLICE - DEPUTY COMMISSIONER, AYTON, LES, COMMENTS ON LEAKED INFORMATION USED IN PARLIAMENT

449. Mr McNEE to the Premier:

Is he aware of comments made by the Deputy Commissioner of Police, Les Ayton, that leaked information used in Parliament by the member for Fremantle, Mr Jim McGinty, was hindering police investigations?

Mr Catania: That is a load of garbage!

The SPEAKER: Order!

Mr COURT replied:

Is that right?

Mr Catania: You should get some clarification on it.

The SPEAKER: Order! I formally call to order the member for Balcatta for the second time.

Mr COURT: The member claims that the Deputy Commissioner of Police is talking a load of garbage. Is that right?

Mr McGinty: He said that he was misquoted by the Press.

The SPEAKER: Order! The member for Fremantle.

Mr McGinty: You are spreading information which Mr Ayton said was incorrect.

The SPEAKER: Order!

Mr McGinty: You're wrong.

The SPEAKER: Order! I formally call to order the member for Fremantle. I was not going to call the member to order in that way, but he continued to speak while I was on my feet. I was going to advise him only that he had been allowed to make the main thrust of his interjection. However, I cannot allow the member to interject as though he were making the speech. I was about to indicate to the member that I had given him certain latitude.

Mr COURT: Last week the member for Fremantle went over the top in a number of ways. We had the crazy situation of members opposite eavesdropping in the corridors.

Mr McGinty: You are misrepresenting the Deputy Commissioner.

The SPEAKER: Order! The member for Fremantle.

Mr COURT: The member for Fremantle does not like it.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Fremantle for the second time.

Mr McGinty: He has misrepresented the position.

The SPEAKER: Order! The member must come to order when called to do so.

Mr COURT: The member for Fremantle is becoming well known for spreading his rumours, innuendo and false accusations. He is prepared to come into the Parliament to accuse people of being corrupt. The member for Fremantle last week could not get into this Parliament quickly enough -

Several members interjected.

The SPEAKER: Order! There is too much interjecting. If it continues, I will call members formally to order and will then take the next step.

Mr COURT: He could not get into Parliament quickly enough to use the information he had. That information had been leaked and he wanted to create the impression that the Attorney General was under investigation by the police. The member for Fremantle said on a radio program -

> If the police have got a search warrant in relation to her bank account she's under investigation. The police can describe it in whatever way they like, but no-one in the public will believe that she's not under investigation.

That was after the police were reported as saying, "There is no suggestion that she is under investigation for anything, nor that she had done anything wrong."

Mr McGinty: You are misfiring again.

Mr COURT: Hang on, member for Fremantle.,

Mr McGinty: Ring Les Ayton and ask him.

The SPEAKER: Order! I formally call to order for the third time the member for Fremantle.

Mr COURT: The police said a person was not under investigation but the member for Fremantle says that she is. In other words, he puts himself above the law. The tactics the member for Fremantle is using with all these false accusations, the smear and the innuendo, are the same tactics used by the Ku Klux Klan in the United States.

Several members interjected.

The SPEAKER: Order!

Withdrawal of Remark

Mr RIPPER: To refer to a member of this Parliament as acting like the Ku Klux Klan is unparliamentary and I ask that the Premier withdraw his comment.

The SPEAKER: Order! There was so much noise that it was difficult to pick up the comment referred to.

Mrs Hallahan: We heard it.

The SPEAKER: I formally call to order the Acting Leader of the Opposition. I understand the Premier did not directly accuse someone of being a member of the Ku Klux Klan. Had he done so, I would ask him to withdraw.

Questions without Notice Resumed

Mr COURT: If members opposite cannot get their own way, they are prepared to go outside the rule of law to achieve their base objectives. Members opposite say that the police commissioner is wrong in saying that a person is not under investigation. The member for Fremantle has not learnt any

of the lessons he should have from the behaviour of his party when in government. His performance and the way in which he is using these tactics in opposition will not help his party's cause.

POLICE - ASIA CRIME SQUAD

450. Mr CATANIA to the Minister for Police:

(1) Has the Asia crime squad within the Police Department recently been dissolved?

(2) If so, why?

Mr WIESE replied:

(1)-(2) I am not aware that that is the case. I will have the matter investigated and will report back to the member.

Mr Catania interjected.

The SPEAKER: Order! The member for Balcatta.

Mr Ripper interjected.

The SPEAKER: Order! I formally call to order the member for Belmont.

ELECTORAL ROLLS - DISFRANCHISING ELECTORS

451. Mr BLOFFWITCH to the Minister for Parliamentary and Electoral Affairs:

(1) Is it possible for any political party or any individual to disfranchise an elector?

(2) By what process are electors removed from the electoral roll?

The SPEAKER: Order! I rule the first part of the question out of order because it asks for an opinion. I direct the Attorney General to answer the second part of the question only.

Mrs EDWARDES replied:

(1)-(2) Last week in this Parliament, some comments were made about the fact that political parties are able to disfranchise electors, and I felt that it was important to advise this House exactly what is the process by which electors are removed from the electoral roll. There is no way that any political party, other organisation or individual can have the name of an elector removed from either the federal or state electoral rolls without initiating the proper objection process. That may be started by the returning of unclaimed mail to the Electoral Commissions. All procedures in regard to the enrolment and disqualification of electors are provided for under the Commonwealth Electoral Act 1918 and the State Electoral Act 1907. Under these provisions, a name can be removed automatically if -

(a) duplication is detected;

(b) there is an order of the Guardianship and Administration Board;

(c) the Registrar General notifies of a death;

(d) subject to certain conditions, the Ministry of Justice notifies imprisonment.

In regard to objections, a distinct formal process is taken by the Australian Electoral Commission before any name is removed from the roll. That objection procedure includes the Australian Electoral Commission sending a notice to the elector at the enrolled address. If there is no reply to that notice, a final determination of objection is sent. In addition, the commission has the power to make independent inquiries.

Dr Gallop: You are 12 months behind on this issue. A lot of water has flowed under the bridge since this memo was written for you. I suggest you check it out.

The SPEAKER: Order! Member for Victoria Park.

Mrs EDWARDES: For the member's edification, this memo was provided to me this afternoon by Mr Les Smith.

At the end of this period, the elector's name can be removed from the roll, as a result of the objection action. That procedure satisfies both the federal and state electoral laws.

Dr Gallop: Do you know what it is like to live in the outback of the State?

The SPEAKER: Order! Member for Victoria Park.

Mrs EDWARDES: The member for Victoria Park is probably trying to get to the one practical difficulty that has been encountered; namely, in rural communities, where there is no street delivery or mail is delivered to a post box. As the law stands currently, the onus is on the elector to respond, and any failure to respond to inquiries leads to the assumption that the elector no longer lives at the address and, therefore, the objection is soundly based. That point has been raised before the Federal Parliament's Joint Standing Committee on Electoral Matters.

Mrs Hallahan: This should be a ministerial statement. How many more pages are there?

Mrs EDWARDES: I thought opposition members might have been interested. The committee's report on the inquiry into the 1993 federal election, about which we spoke in Parliament last week, is expected to be tabled later this year.

HIGH COURT - CHALLENGE TO NATIVE TITLE ACT

452. Mr BRIDGE to the Minister for Aboriginal Affairs:

I refer to an article in *The Sydney Morning Herald* dated 10 September 1994 featuring former Liberal Party President and our Agent General in London, Bill Hassell, in which Mr Hassell states that he expects the State Government's Mabo challenge in the High Court to fail. Does the Minister agree; and, if so, why has the Government wasted millions of taxpayers' dollars to fund the challenge and its Mabo campaign?

Mr PRINCE replied:

Firstly, I have not seen that article. Secondly, I find it surprising that Mr Hassell would say such a thing. Thirdly, there is no expectation on the part of the Government that the challenge will fail. The legislation is based entirely upon the decision of the High Court in Mabo No 2. It has integrated that concept into the management of land in this State. It demonstrably works. If members opposite want any better proof of that, they should read the speeches from the Estimates Committee in the other place last week, which state how much land has been dealt with, how many times a traditional land use has been found, and what the effect has been. Demonstrably, the Native Title Act does not work. There has been no definition. There has been no resolution of any of the matters filed with the Native Title Tribunal. In fact, all we have is growing confusion, to the point where, in an attempted mediation with 450 people involved in an objection around Lake Argyle, the applicants did not even turn up. I have no doubt at all that the High Court is considering the question very carefully. I expect a decision probably early in the New Year. I expect also that our legislation, based as it is upon the High Court decision, will be upheld.

ENTERPRISE BARGAINING - CSA INFORMATION CAMPAIGN AND BALLOT

453. Mr DAY to the Minister for Labour Relations:

Can the Minister inform the House of the so-called information campaign and the ballot being conducted by the Civil Service Association in relation to the subject of enterprise bargaining?

Mr KIERATH replied:

We have seen from the Opposition and its union mates a great deal of criticism about our information campaign in relation to workplace agreements. I will provide members with an example of why it is necessary. Recently a letter and ballot paper was sent by the CSA to employees of the Department of Productivity and Labour Relations. The CSA used patronising language in a terrible example of misinformation. The CSA stated that these employees' jobs were under threat, that their awards would be reduced and their pay would suffer. No workplace agreement has been formally put before the members of DOPLAR. The CSA is providing misinformation. What is most disturbing about this misinformation is that it contains a disgraceful and unethical ballot paper. For the benefit of members opposite, the secret ballot is one of the most important tools in a western democracy to find out what people believe. I know that members opposite have cut their teeth on the union movement, where they ask people for a show of hands so they can identify all the dissenters. Then they can point them out and deal with them one by one. A secret ballot is important to all of us. If a voter in a state or federal election can be identified, the ballot is declared informal.

I have the great displeasure to advise this House that members of DOPLAR received a ballot paper along with a letter from the CSA, which I am happy to table. On one corner of the back of the ballot paper is an initial showing that it is a valid vote. However, in the other corner is a number that happens to correlate with identifying information on those union members' records held by the CSA. The CSA sent out a ballot to find out which members wanted workplace or enterprise agreements. They numbered the ballot papers, so they could tell who voted for workplace agreements. That conduct is disgraceful. I pledge in this House that I will bring forward legislation to ensure that if the unions cannot get their act in order with secret ballots, the Government will do it for them.